

Defacing the Currency

Selected Writings 1992-2012

by **Bob Black**



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2012

LBC Books
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Bob Black

A Jester Among Fools

by Aragorn!

It's been 16 long years since Bob Black's last book. This is not because Bob has stopped writing, or even that the audience for his work has disappeared. Quite the opposite. It's been 16 years since *Anarchy After Leftism* because for anarchy (beyond the left) to succeed it has had to do it without Bob Black.

When anarchism was small, a stunted little creature obsessing about how best to redo the Spanish Civil War, it made sense that it would travel in odd company. It was open to a crowd of bohemians, freaks, and misfits. In this crowd of merry men truth was never in short supply. Truth is easy when you are powerless and incapable of doing anything about, or with, it.

In the buildup to what's now called "the antiglobalization movement" the imp became a dwarf. Part of this transition looked like an attempt to make anarchism mainstream. Never again would it be tarred with the self-conscious subcultures of punk, art, nudism, strange dietary choices (like vegetarianism),

polyamory, or any of the other variegated choices that have threaded their way through the tapestry of anarchism over the past hundred years. This mainstreaming, or historical rewrite if you will, is best described as the transition to *social anarchism*.

In Bookchin's *Social Anarchism or Lifestyle Anarchism: An Unbridgeable Chasm*, Bob Black was already revised out of the Noble Anarchist Tradition. His strange conflicts against work, SubGenius, and Processed World didn't map to Bookchin et al.'s territory of a socialist, historical, organizational anarchism. Bob's reaction to *SALA* was *Anarchy After Leftism*, which was an impossible read to the sober dwarfish shepherds mainstreaming anarchism. They didn't respond, believing that was all the response necessary for their self-evidently superior position. Little did they know that their so-called *social* collaboration with the anti-globalization movement wouldn't grow anarchism at all, but would merely improve the most mediocre aspects of the Left. The anti-authoritarian perspectives of the good-hearted *social* anarchists provided a new vocabulary for the current generation of leftist political operatives. Activists became organizers, voting became consensus, and, by one definition, anarchism became "the best of the liberalism and the best of communism."

These mediocrities can have anarchism. Anarchism was always an ideological fixation on a losers' revolutionary strategy. Beautiful as the idea was of a human goodness that could span society and transform it using the alchemy of the most downtrodden and callused among us, it was always a theory, and

theories, once tested, should change based on experience. If anarchism is the Constitution of this lack of change then leave it to the workerists, bureaucrats, and organizers of the left. As for the rest of us, let us have glorious chaotic technicolor anarchy. If revolution is beyond us than at the very least we should live now as passionately, honestly, and vigorously as possible.

If anarchism is going to be a cold-blooded European analysis or francophone rhetorical flourish it may find appeal in certain American metropolises, but it will have little impact beyond there. If anarchy is going to be wild eyed, biblical, and pristine it may find purchase in the US as a new type of evangelism. A new holy war against the money-lenders and corptocracy. But perhaps the energy doesn't exist to make it either. It may be that anarchy is merely the poking at kings with wooden swords, the cutting off of our noses to spite our face, and a series of pratfalls with too-high bail conditions. Anarchists are editorial cartoonists with stones, Yippies in monochrome, and satirists with a sordid history of utopianism. If anarchy is the domain of fools than Bob Black is our Jerry Cornelius: the alpha and omega of foolish anarchy, of a hysterical seriousness, and of a critical eye out of fashion since the disbanding of the SI.

★ ★ ★

Who would've thought that the author of the *Abolition of Work* and the punching bag to the San Francisco ultraleft of the 80s would prefigure 4Chan, Anonymous, and troll culture in general, but he did.

The posters of the Last International (1977–1983) are a bridge in the cultural history between the detournement of the SI and the grotesque Photoshop porn of 4Chan. The attacks against Processed World, Murray Bookchin, and AK press were one man DDOS¹ attacks (via Xerox) against political adversaries—in his reviews, IRL², and in lengthy (scholarly and bratty) tracts like *The Baby and the Bathwater*, *Anarchy after Leftism*, and *Nightmares of Reason*. And like his progeny, much of this hostile labor was done for the laughs or, as the kids would say, for the lulz.

The Anonymous slogan (“We are Anonymous. We are Legion. We do not forgive. We do not forget. Expect us.”) could have come from Bob Black’s mouth, if anyone were willing to stand up with him to be a Legion, but his form of ludic play has had little recognition outside of the realm of imps and dwarves and a few other playmates.

Here is where Internet culture and several generations of anarchist practice have something to teach authors like Bob Black (or anyone who stands up to be counted). Identity, as a political actor, as an employee, or as a form of self worth, is also a form of

1 DDOS (distributed denial of service) attacks are a horizontal attacks against Internet infrastructure. They can involve a series of compromised clients (aka bots) doing nothing more than asking for data from a host on a persistent basis. They can also involve a more conscious effort by a dedicated client. One example of this, the so-called LOIC (low orbital ion cannon), is a tool used by Anonymous to generalize an attack on hosts determined by the Anonymous “hive mind”.

2 IRL means In Real Life and is Internet slang for interactions we humans have away from the keyboard (or increasingly, touch screens).

endangerment. To be known is to be harassed and belittled, even more so when you are one person standing against the world (or the Left). This is one reason (among many) that many anarchists write anonymously. It can be said that privacy will be the civil rights movement of the 21st century. This relationship between identity and privacy is why. This battle will be fought in the tension between personalities and counting coup.

Today, efforts to destroy, mock, and/or illuminate the bloviations of the left, technocratic optimism, and the politicians that love them, are best done from the safety of anonymity. The obsessive nature of the police apparatus, search engines, and counter trolls promises an accounting for dissent (if under your own name). Harsh critics outside of the mainstream are doomed to solitary, disrespected, misunderstood lives.

Do not confuse a critic with an angel, or a fool with a savior. An introduction to Bob Black has to include, like it or not, the fact that along with being powerless he is vengeful. Nearly 20 years ago this included the stupid act of writing a letter to the police. This letter may or may not have given license to the police to raid and imprison the target of his vengeance, but Jim Hogshire was raided and jailed after the letter was sent.

Anarchists, and counterculture-ists have more-or-less rejected Bob Black since this incident. His book has been banned in several locations, his public appearances have been shadowed by physical threats, and *Anarchy: A Journal of Desire Armed* magazine, his

primary publishing platform, has been tarred by its association with “Bob Black: the snitch.”

Free association is a central principle both to anarchists and the broader (North American) counter-culture. It is, perhaps, over-valued as it justifies cliquishness as often as it does enlightened subjectivity but this is the card we are dealt. The desire individuals may have to personally or politically associate with Bob is not in question. No one is forcing you to buy this book or share a bedroom with Bob. What is in question, is the framing of how and why (dis)association is defended as a moral/ethical act.

This is argued well elsewhere³ but the questions aren't simple. There are moral, ideological, and practical concerns. Individuals aren't just bad (or good) people (no matter what the Calvinists would have you believe) who do bad (or good) things. Political actors aren't merely (at least most of the time) robots of position. Practice is always a two-edged sword. Usually (especially from fringe/outsider political positions) we both fail and learn new things at the same time.

Bob Black is an obsessed, intelligent, and hostile thinker about things that all anarchists should care about but don't. His writings are, if not the most, then among the most, clear contemporary anarchist thinking. His passionate denunciations against the Left are a compelling call to arms. Unlike his amorphous progeny he named names, understood decades of political context, and has the desire to build a rational⁴ case for

3 <http://inspiracy.com/black/connor.html>

4 While I'm generally hesitant to use the term rational in such a positive form, here I recognize that different techniques of argumentation work for different people.

new and experienced readers. That he does it well, especially the naming of names, is why he is despised.

Those who despise him confuse the man with the idea, but the idea is unassailable. On the one hand there is anarchism, a leftist, historical-above-all-else, ideology. On the other is ANARCHY: a life lived autonomously and cooperatively.

Defacing the Currency¹

Diogenes the Cynic

by Diogenes Laertius²

Diogenes was a native of Sinope, the son of Tresius, a money-changer. And Diocles says that he was forced to flee from his native city, as his father kept the public bank there, and adulterated the coinage. But Eubulides, in his essay on Diogenes, says, that it was Diogenes himself who did this, and that he was banished with his father. And, indeed, he himself, in his Perdalus, says of himself that he adulterated the public money. Others say that he was one of the curators, and was persuaded by the artisans employed, and that he went to Delphi, or else to the oracle at Delos, and there consulted Apollo as to whether he should do what people were trying to persuade him to do; and

1 By a happy coincidence, in modern English as in ancient Greek, “currency” refers both to money and to currently received ideas: the conventional wisdom. They are, after all, intimately related.

2 *The Lives and Opinions of Eminent Philosophers*, trans. C.D. Yonge (London: George Bell and Sons, 1901), 224.

that, as the God gave him permission to do so, Diogenes, not comprehending that the God meant that he might change the political customs of his country if he could, adulterated the coinage; and being detected, was banished, as some people say, but as other accounts have it, took alarm and fled away of his own accord.

Democracy

Debunking Democracy

For the first time in history, “nearly everyone today professes to be a democrat.”¹ Professors profess democracy profusely, although they keep it off campus. Democracy — truly, “that word can mean anything.”² Even North Korea calls itself a Democratic People’s Republic. Democracy goes with everything. For champions of capitalism, democracy is inseparable from capitalism. For champions of socialism, democracy is inseparable from socialism. Democracy is even said to be inseparable from anarchism.³ It is identified with the good, the true, and the beautiful.⁴

1 David Held, *Models of Democracy* (2nd ed.; Stanford, CA: Stanford University Press, 1996), 1; see also Tibor R. Machan, “Introduction: The Democratic Ideal,” *Liberty and Democracy*, ed. Tibor R. Machan (Stanford, CA: Hoover Institute Press, 2002), xiii.

2 Jacques Ellul, *The Political Illusion*, tr. Konrad Kellen (New York: Alfred A. Knopf, 1967), 181.

3 David Graeber (in the AK Press catalog 2008), quoted in Bob Black, letter to the editors, *Anarchy: A Journal of Desire Armed*, No. 67 (Vol. 26, No. 2) (Spring-Summer 2009), 75.

4 “Democracy is made identical with intellectual freedom, with economic justice, with social welfare, with tolerance, with piety, moral integrity, the dignity of man, and general civilized

There's a flavor of democracy for every taste: constitutional democracy, liberal democracy, social democracy, Christian democracy, even industrial democracy. Poets (admittedly not many) have hymned its glory. And yet the suspicion lurks that, as it seemed to another poet, Oscar Wilde, "democracy means simply the bludgeoning of the people, by the people, and for the people. It has been found out."⁵ Found out, and found to be unfounded.

Until the 20th century, there were few democracies. Until the 19th century, the wisdom of the ages was unanimous in condemnation of democracy. All the sages of ancient Greece denounced it, especially the sages of democratic Athens.⁶ As Hegel wrote: "Those ancients who as members of democracies since their youth, had accumulated long experience and reflected profoundly about it, held different views on popular opinion from those more *a priori* views

decency." Robert A. Nisbet, *Community and Power* (London: Oxford University Press, 1962), 248.

5 "The Soul of Man Under Socialism," *The First Collected Edition of the Works of Oscar Wilde, 1908-1922*, ed. Robert Ross (repr. ed.; London: Pall Mall, 1969), 8: 294. Wilde was a decadent anarchist dandy. Such lifestyle anarchists despise democracy. See, e.g., Octave Mirbeau, "Voters Strike!" in *Rants and Incendiary Tracts*, ed. Bob Black & Adam Parfrey (New York: Amok Press & Port Townsend, WA: Loompanics Unlimited, 1989), 74-78.

6 Ernest Barker, *The Political Thought of Plato and Aristotle* (New York: Dover, 1959), 13; M.I. Finley, *Democracy, Ancient and Modern* (2nd ed.; London: Hogarth Press, 1985), 5, 29; David Held, "Democracy: From City-States to a Cosmopolitan Order," in *Contemporary Political Philosophy: An Anthology*, ed. Robert E. Goodin & Philip Pettit (Malden, MA: Blackwell Publishing, 2006), 80.

prevalent today.”⁷ The Framers of the U.S. Constitution rejected democracy.⁸ So did their opponents, the Anti-Federalists.⁹ The democracy which was then universally despised is what is now called direct democracy, government *by* the people *over* the people. “People” in “by the people” meant the citizens: a minority consisting of some of the adult males. “People” in “over the people” meant everybody. The citizenry assembled at intervals to wield state power by majority vote. This system no longer exists anywhere, and that makes it easier to believe in it, as Hegel observed.

Democracy only became respectable, in the 19th century, when its meaning changed. Now it meant representative democracy, in which the citizenry—now an electorate, but still a minority—from time to time choose some of its rulers by majority vote (or rather, by the majority of those actually voting—which is not the same thing). The elected rulers

7 G.W.F. Hegel, “On the English Reform Bill,” *Political Writings*, ed. Laurence Dickey & H.B. Nisbet (Cambridge: Cambridge University Press, 1999), 235.

8 Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1967), 282–284; Gordon S. Wood, *The Creation of the American Republic, 1776–1787* (New York & London: W.W. Norton & Company, 1972), 222–223, 409–413; see, e.g., *The Federalist*, ed. Jacob E. Cooke (Hanover, NH: Wesleyan University Press, 1961), 61 (No. 10) (James Madison); *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven, CT: Yale University Press, 1911), 1: 26–27 (Edmund Randolph), 48 (Elbridge Gerry), 49 (George Mason), 288 (Alexander Hamilton). Randolph blamed America’s problems on “the turbulence and follies of democracy.” Records, 1:51.

9 Herbert J. Storing, *What the Antifederalists Were For* (Chicago, IL & London: University of Chicago Press, 1981), 29.

appoint the rest of the rulers. As always, some rule, and all are ruled. In the 19th century, when this system prevailed in only a few nations, it acquired a few intellectually able proponents, such as John Stuart Mill, but it also evoked some intellectually able opponents, such as Herbert Spencer, Pierre-Joseph Proudhon, and Friedrich Nietzsche. Democracy, as one of the ascendant political ideologies of the age, accommodated itself to the others: to liberalism, nationalism, socialism, and even Christianity. They in turn accommodated it, usually. Improbably, the doctrines legitimated one another, usually.

The announced popularity of democracy is surely exaggerated. It's a mile wide and an inch deep. Aversion to authoritarian regimes is not necessarily enthusiasm for democracy. In some of the post-Communist democracies, democracy has already lost its charm.¹⁰ In others, such as Russia, democracy itself is already lost. Older democracies persist more from apathy and force of habit than from genuine conviction. John Zerzan reasonably asks: "Has there ever been so much incessant yammer about democracy, and less real interest in it?"¹¹ Well, *has there?*

The idea of democracy has never been justified, merely glorified. None of the older criticisms of democracy has been refuted, and neither has any of the newer ones. They come from left, right, and center. Some of these criticisms follow. They establish that democracy is irrational, inefficient, unjust, and

10 Ralf Dahrendorf, *Reflections on the Revolution in Europe* (New Brunswick, NJ & London: Transaction Publishers, 2005), 168.

11 John Zerzan, "No Way Out," *Running on Emptiness: The Pathology of Civilization* (Los Angeles, CA: Feral House 2002), 204.

antithetical to the very values claimed for it: liberty, equality, and fraternity. It does not even, for instance, imply liberty.¹² Rather, the instinctive tendency of democracy is “to despise individual rights and take little account of them.”¹³ Democracy not only subverts community, it insults dignity, and it affronts common sense. Not all of these violated values are important to everyone, but some of them are important to anyone, except to someone to whom nothing is important. That is why post-modernists are democrats.

In recent years, some intellectuals (academics and former radicals) have tried to revive direct democracy as an ideal, and set it up as a viable alternative to representative democracy. Their strenuous exertions interest only themselves. Their efforts fail, for at least two reasons.

The first reason is that, as a matter of fact, “there is no reason to believe that there has ever *been* an urban, purely direct democracy or even a reasonable approximation of one. Every known instance has involved a considerable admixture of representative democracy which has sooner or later usually subordinated [direct] democracy where it didn’t eliminate it altogether.”¹⁴

12 Bertrand Russell, “The Prospects of Democracy,” *Mortals and Others: American Essays 1929-1935*, ed. Henry Ruja (London & New York: Routledge, 1996), 2: 24; James Fitzjames Stephen, *Liberty, Equality, Fraternity* (Chicago IL & London: University of Chicago Press, 1991), 168.

13 Alexis de Tocqueville, *Democracy in America*, ed. J.P. Mayer, tr. George Lawrence (Garden City, New York: Doubleday & Company, Anchor Books, 1969), 699.

14 Bob Black, *Anarchy after Leftism* (Columbia, MO: C.A.L. Press, 1997), 71. Representative democracy can also incorporate minor elements of direct democracy, as it does, in the United

There is no space to prove it here, but the evidence is ample.¹⁵ Direct democracy is merely an abstract ideal, a fantasy really, with no basis in historical experience. According to Jean-Jacques Rousseau, who is falsely claimed to be an advocate of direct democracy, “however small any State may be, civil societies are always too populous to be under the immediate government of all their members.”¹⁶

The second reason is that the major objections to representative democracy also apply to direct democracy, even if the latter is regarded as an ideal form of pure majoritarian democracy. Some objections apply to one version, some to the other, but most apply to both. There are more than enough reasons to reject every version of democracy. Let us, then, consider some of these objections.

States, with trial by jury. But representative officials (judges) severely circumscribe the jury. Robert C. Black, “FIJA: Monkey-wrenching the Justice System?,” *UMKC Law Review* 66(1) (Fall 1997), 12-13.

15 Bob Black, *Nightmares of Reason* (2010), chs. 14 & 15, available online from The Anarchist Library.

16 Jean-Jacques Rousseau, “Discourse on Political Economy,” *The Social Contract and Discourses*, tr. G.D.H. Cole (New York: E.P. Dutton and Sons & London: J.M. Dent and Sons, 1950), 313.

Objections to Democracy

1. The majority isn't always right.

As (among many others) Pierre-Joseph Proudhon, Henry David Thoreau, Mikhail Bakunin, Benjamin Tucker, Errico Malatesta, and Emma Goldman said—and does anybody disagree?—democracy does not assure correct decisions. “The only thing special about majorities is that they are not minorities.”¹⁷ There is no strength in numbers, or rather, there is nothing but strength in numbers. Political parties, families, corporations, unions, nearly all voluntary associations are, by choice, oligarchic.¹⁸ Indeed, in assemblies whether direct or representative, in electorates as in legislatures, the whole is less—even less—than the sum of its parts. It is even mathematically demonstrable (but not by me) that majority decision-making generates inefficient, socially wasteful, more or less self-defeating decisions.¹⁹

17 Loren E. Lomasky, “Default and Dynamic Democracy,” in *Liberty and Democracy*, 3.

18 Clark Kerr, *Unions and Union Leaders of Their Own Choosing* (New York: The Fund for the Republic, 1957), 12. Similarly, Switzerland’s democracy is the most participatory in the world, but the Swiss are not “particularly participative in economic and social life.” Wolf Linder, *Swiss Democracy* (3rd ed., rev. & upd.; Basingstoke, Hamps., England & New York: Palgrave Macmillan, 2010), 127.

19 Grant McConnell, *Private Power and American Democracy* (New York: Vintage Books, 1966), 120–127; James M. Buchanan & Gordon Tullock, *The Calculus of Consent: Logical Foundations of Constitutional Democracy* (Ann Arbor, MI: University of Michigan Press, 1962), 169; Elaine Spitz, *Majority Rule* (Chatham, NJ: Chatham House Publishers, 1982); 153; Michael Taylor, *Community*,

Besides, after all, why should you, why should anyone, accept a decision that you know is wrong? Surely the quality of its decisions has something to do with the quality of the decision-making process.

2. Democracy does not, as is promised, give everyone the right to influence the decisions affecting her, because a person who voted on the losing side had no influence on that decision.

As Henry David Thoreau wrote, “a minority is powerless while it conforms to the majority; it is not even a minority then.”²⁰ It is, in fact, powerless, it is nothing. Thomas Hobbes anticipated Thoreau: “And if the Representative consist of many men, the voyce of the greater number, must be considered as the voyce of them all. For if the lesser number pronounce (for example) in the Affirmative, and the greater in the Negative, there will be Negatives more than enough to destroy the Affirmatives; and thereby the excesse of Negatives, standing uncontradicted, are the onely voyce the Representative hath.”²¹ “The numerical majority,” wrote John C. Calhoun, “is as truly a *single power*—and excludes the negative as completely as the absolute government of one or a few.”²²

Anarchy and Liberty (Cambridge: Cambridge University Press, 1982), 54–55.

20 Henry David Thoreau, “Civil Disobedience,” in *Walden and Civil Disobedience* (New York: Signet Classics, 1960), 231.

21 Thomas Hobbes, *Leviathan*, ed. C.B. Macpherson (Harmondsworth, Middlesex, England: Pelican Books, 1968), 221.

22 John C. Calhoun, *Disquisitions on Government and Selections from the Discourses* (Indianapolis, IN & New York: Bobbs-Merrill Co., 1953), 29.

3. Democracy, especially in small constituencies, lends itself to the disempowerment of permanent minorities, who occupy the same position in the democracy as they would in a despotism.

It isn't always the same momentary majority that rules, but often it is, and shifting majorities only make it less likely, not unlikely, for some group to be always opposed to the winning gang.²³ Under American democracy, it has long been well-known, even to the U.S. Supreme Court in 1938, that "discrete and insular minorities" are at a political disadvantage beyond the mere fact (which is disadvantage enough) that they are minorities.²⁴ And the smaller the constituency, the more likely it is that many interests may be represented "by numbers so small as to be less than the minimum necessary for defense of those interests in any setting."²⁵

4. Majority rule ignores the urgency of preferences. Preference varies in intensity, but consent does not. Preference is more or less, consent is yes or no. The vote of a person who has only a slight preference for a candidate or measure counts the same as the vote of someone passionately opposed, and so: "A majority

23 Spitz, *Majority Rule*, 183; Juerg Steiner, "Decision-Making," in *Encyclopedia of Democratic Thought*, ed. Paul Barry Clarke & Joe Foweraker (London & New York: Routledge, 2001), q/v "Decision-Making."

24 *United States v. Carolene Products Co.*, 304 U.S. 144, 152-53 n. 4 (1938).

25 MacConnell, *Private Power and American Democracy*, 105 (quoted), 109.

with slight preferences one way may outvote almost as many strong preferences the other way.” There could even be, as just noted, a permanently frustrated minority, which is a source of instability, or even oppression. To put it another way, the opportunity to influence a decision is not proportionate to one’s legitimate interest in the outcome.²⁶

Democratic theorists usually ignore the issue or, like John Rawls, wave it away by dogmatizing that “this criticism rests upon the mistaken view that the intensity of desire is a relevant consideration in enacting legislation.”²⁷ But, however embarrassing to democrats, “the intensity question is absolutely vital to the stability of democratic systems”—and it’s a question to which pure majoritarian democracy has no answer.²⁸ Rousseau at least recognized the problem, although his solution is impractical. He thought that “the more grave and important the questions discussed, the nearer should the opinion that is to prevail

26 John Burnheim, *Is Democracy Possible? Alternatives to Electoral Politics* (Cambridge, England: Polity Press, 1985), 83 (quoted); Jeremy Waldron, *The Dignity of Legislation* (Cambridge & New York: Cambridge University Press, 1999), 132, 142–143; Buchanan & Tullock, *Calculus of Consent*, 125–127, 132–133; Robert A. Dahl, *A Preface to Democratic Theory* (Chicago, IL: University of Chicago Press, 1956), 91–99; Robert A. Dahl, *Dilemmas of Pluralist Democracy: Autonomy vs. Control* (New Haven, CT & London: Yale University Press, 1982), 88–89.

27 John Rawls, *A Theory of Justice* (rev. ed.; Cambridge: Harvard University Press, Belnap Press, 1999), 230.

28 Benjamin Barber, *The Conquest of Politics: Liberal Philosophy in Democratic Times* (Princeton, NJ: Princeton University Press, 1988), 79 (quoted); Willmoore Kendall & George W. Carey, “The ‘Intensity’ Problem and Democratic Theory,” *American Political Science Review* 62(1) (March 1968): 5–24.

approach unanimity.”²⁹ But there is no way in which to decide *a priori* the importance of a question. First you have to decide how important the question is, and the majority may well rule a question to be unimportant to make sure that the question will be answered as that majority wishes.

5. There are no self-evident democratic voting rules.

Majority or plurality? Proxy voting? Quorums? Are supermajorities (three-fifths? two-thirds?) required for all, some, or none of the decisions? Who sets the agenda? Are motions from the floor entertained? Who decides who gets to speak, and for how long, and who gets the first or last word? Who schedules the meeting? Who adjourns it? And who decides, and by what rules, the answers to all these questions? “If the participants disagree on the voting rules, they may first have to vote on these rules. But they may disagree on how to vote on the voting rules, which may make voting impossible as the decision on how to vote is pushed further and further back.”³⁰

6. Collective, all-or-nothing balloting is irrational.

A decision made on a momentous matter by a single vote is as valid as a unanimous vote on a trifle. That extreme rarity, the one time one vote, one person’s will, makes a difference, is the very same situation — monarchy, dictatorship, one-man rule — that democracy is supposed to be an improvement on!

29 Rousseau, “The Social Contract,” *The Social Contract and Discourses*, 107.

30 Steiner, “Decision-Making,” 130.

At all other times, of all the votes for the winning side, only one is decisive, so the votes of all but one of the winners, like the votes of all of the losers, might as well not have been cast.

7. Majority rule is not even what it purports to be: it rarely means literally the majority of the people.³¹

Many people (such as children, foreigners, lunatics, transients, and felons) are everywhere denied the right to vote. The disenfranchised are never much short of being the majority, and sometimes they are the majority. And since it rarely happens that every one of the eligible voters votes every time, usually the resulting majority of a majority means plurality rule,³² in other words, the rule of the momentarily largest minority, which might be rather small. The majority of a majority is often, and the majority of a minority is always, a minority. In order to cobble together majorities out of incoherent assemblies, leaders usually wield literally decisive power.³³ Under any possible government, a minority governs.

31 Spitz, *Majority Rule*, 3.

32 John Stuart Mill, "Representative Government," in *Utilitarianism, Liberty, and Representative Government* (New York: E.P. Dutton and Company & London: J.M. Dent and Sons, 1951), 346-347; Harold Barclay, *People Without Government: An Anthropology of Anarchism* (London: Kahn & Averill with Cienfuegos Press, 1982), 118; Linder, *Swiss Democracy*, 110.

33 "The necessity for these leaders is evident, since, under the name of heads of groups, they are met with in the assemblies of every country. They are the real rulers of an assembly." Gustav Le Bon, *The Crowd* (New York: Compass Books, 1960), 189.

8. Whether voting is by electoral districts or in popular assemblies, decisions are arbitrary because the boundaries of the districts determine the composition of their electorates, which determines the decisions.

In a democracy, “the definition of the constituency within which the count is taken is a matter of primary importance,” but democratic theory is unable to say who should be included in an electorate.³⁴ Redraw the boundaries and the majority becomes a minority or vice versa, although no one has changed his mind. The politicians who draw and redraw the boundaries understand this very well.

9. Then there is the Voter’s Paradox, a technical but very real contradiction in democracy discovered by Condorcet before the French Revolution.

In every situation where two or more voters choose from three or more alternatives, if the voters choose consistently, the majority preference may be determined solely by the order in which the alternatives are voted on. It can happen that A is preferred to B, B is preferred to C, yet C is by the majority preferred

34 Peter J. Taylor, Graham Gudgin, & R.J. Johnston, “The Geography of Representation: A Review of Recent Findings,” in *Electoral Laws and Their Political Consequences*, ed. Bernard Grofman & Aren Lijphart (New York: Agathon Press, 1986), 183–184; McConnell, *Private Power and American Democracy*, 92 (quoted); Dahl, *Dilemmas of Pluralist Democracy*, 97–99; Bruce E. Cain, *The Reapportionment Puzzle* (Berkeley, CA: University of California Press, 1984), 36–37.

to A!³⁵ This is no mere theoretical possibility: it has happened in real votes. There are, in fact, a number of these voting paradoxes. Under ideal conditions, majority rule almost always produces these cyclical preference orders. For this and other reasons, “the various equilibrium conditions for majority rule are incompatible with even a very modest degree of heterogeneity of tastes, and for most purposes are not significantly less restrictive than the extreme condition of complete unanimity of individual preferences.”³⁶

35 Kenneth Arrow, *Social Choice and Individual Values* (2d ed.; New York: John Wiley & Sons, 1963), 2–3, 94–95; “An Essay on the Application of Probability Theory to Plurality Decision-Making (1785),” in *Condorcet: Foundations of Social Choice and Political Theory*, tr. & ed. Iain McLean & Fiona Hewitt (Aldershot, Hants., England & Brookfield, VT: Edward Elgar Publishing, 1994), 120–130. A certain Rev. Dodgson invented the notion of “None of the Above” as a ballot option. “A Method of Taking Votes on More Than Two Issues,” in *The Political Pamphlets and Letters of Charles Lutwidge Dodgson and Related Pieces: A Mathematical Approach*, ed. Francine F. Abeles (New York: Lewis Carroll Society of North America, 2001), 95. Since Arrow’s Impossibility Theorem, “the theoretical case that elections can assure desirable outcomes was dealt a blow from which it is unlikely ever to recover fully.” William R. Keech, “Thinking About the Length and Renewability of Electoral Terms,” in *Electoral Laws and Their Political Consequences*, 104.

36 William H. Riker & Barry R. Weingast, “Constitutional Regulation of Legislative Choice: The Political Consequences of Judicial Deference to Legislatures,” *Working Papers in Political Science* No. P-86-11 (Stanford, CA: Hoover Institution, 1986), 13–18 (real-life examples of perpetual cyclical majorities); Hanno Nurmi, *Voting Paradoxes and How to Deal With Them* (Berlin, Germany: Springer, 1999); Peter C. Fishburn, “Paradoxes of Voting,” *American Political Science Review* 68(2) (June 1974): 537–546 (five more paradoxes); Gerald H. Kramer, “On a Class of Equilibrium

What that means is that whoever controls the agenda controls the vote, or, at least, “that making agendas seems just about as significant as actually passing legislation.”³⁷ It is fitting that a 19th century mathematician who wrote on this phenomenon (which he called “cyclical majorities”) is better known under his pen name Lewis Carroll.³⁸ He came by his sense of the absurd honestly.

10. Another well-known method for thwarting majority rule with voting is logrolling.

Logrolling is an exchange of votes between factions. Each group votes for the other group’s measure, a measure which would otherwise be defeated because each group is in the minority. (Note that this is *not* a compromise because the measures are unrelated.³⁹

Conditions for Majority Rule,” *Econometrica* 41(2) (March 1973), 285 (quoted).

The only reason cyclical preference orders are not more common in real life is the influence of other undemocratic practices such as logrolling (see below).

37 Ian Shapiro, “Three Fallacies Concerning Majorities, Minorities, and Democratic Politics,” in *NOMOS XXIII: Majorities and Minorities*, ed. John W. Chapman & Alan Wertheimer (New York & London: New York University Press, 1990), 97; William H. Riker, “Introduction,” *Agenda Formation*, ed. William H. Riker (Ann Arbor, MI: University of Michigan Press, 1993), 1 (quoted).

38 “Method of Taking Votes on More Than Two Issues,” 46–58; Robert Paul Wolff, *In Defense of Anarchism* (New York: Harper Torchbooks, 1970), 59–63; Arrow, *Social Choice and Individual Values*, 94.

39 Buchanan & Tullock, *Calculus of Consent*, 132–133; Burnheim, *Is Democracy Possible?*, 6; McConnell, *Private Power and American Democracy*, 111–112.

The factions aren't splitting the difference.) In a sense, logrolling facilitates some accommodation of the urgency of preferences, since a faction only trades its votes for votes it values more highly—but it does so by bribery and to the detriment of deliberative democracy. No majority really approves of either measure enacted by logrolling, since if it did, there would be no need for logrolling. And those whose votes are unnecessary can be excluded from the logrolling process.⁴⁰ The practice is common to representative and direct democracies.⁴¹

40 John T. Noonan, Jr., *Bribery* (New York: Macmillan & London: Collier Macmillan Publishers, 1984), 580; Clayton P. Gillette, "Equality and Variety in the Delivery of Municipal Services," *Harvard Law Review* 100(1) (Nov. 1986), 959. In 12th century Italy, Genoa and Pistoia prohibited logrolling in consular elections. Lauro Martines, *Power and Imagination: City-States in Renaissance Italy* (New York: Alfred A. Knopf, 1979), 29. Such laws are in vain: "The laws against logrolling (probably passed in part through logrolling) have substantially no effect on the functioning of democracy in countries which have adopted them." Gordon Tullock, *The Vote Motive* (n.p.: The Institute of Economic Affairs, 1976), 41. They only invite secrecy and hypocrisy. The two-thirds majority of states for the adoption of the Thirteenth Amendment to the U.S. Constitution abolishing slavery was obtained by logrolling. Noonan, *Bribery*, 456–458.

41 See, e.g., Tullock, *The Vote Motive*, 45–46. Referenda, another expression of direct democracy, provide "the clearest example" of logrolling, putting to a single vote unrelated measures grouped together to appeal to a majority. *Ibid.*, 48–49. Some state constitutions try to prohibit including more than one subject in each ballot proposal. These provisions are notoriously ineffective. They are also undemocratic themselves, because the judiciary is then the final arbiter. In a political system without checks and balances, democracy is tyranny. But a political system with checks and balances is not a democracy.

11. In the unlikely event a legislative body eschews logrolling, it may succumb to gridlock.

Consider a typical political issue, the building of a highway. (A power plant or a garbage dump might be an even better example.) Everyone wants a road, but no one wants it in his back yard. If three groups want a road—but not in their back yards, thank you—they will gang up to scotch the project.⁴² The road that everyone wants somewhere will not be built anywhere. That is an even worse outcome than with logrolling, where at least the road gets built somewhere, and might be of some use to somebody. It isn't easy to say which is worse, a democracy that doesn't govern, or a democracy that does.

12. Democracy, especially direct democracy, promotes disharmonious, antisocial feelings.

The psychology of the *ekklesia* (assembly) is the psychology of the *agora* (marketplace): "Voters and customers are essentially the same people. Mr. Smith buys and votes; he is the same man in the supermarket and the voting booth."⁴³ Capitalism and democracy rose to dominance together as the goals of the same class, the bourgeoisie. Together they made a common world of selfish individualism—an arena of compe-

42 Nicholas Rescher, "Risking D: Problems of Political Decision," *Public Affairs Quarterly* 13(4) (Oct. 1999), 298.

43 Tullock, *Vote Motive*, 5. Moral considerations aside (where they belong), majority rule with logrolling may lead to inefficient outcomes—peak efficiency requires, surprisingly, super-majorities: "Majority rule is thus generally not optimal." *Ibid.*, 51–55, 55 (quoted).

tition, not a field of cooperation. Democracy, like litigation, is an adversarial decision method: “Majority rule belongs to a combat theory of politics. It is a contest between opposing forces, and the outcome is victory for one side and defeat for the other.” Indeed, as Georg Simmel noticed, majority rule is really the substituted equivalent of force.⁴⁴ “We agree to try strength by counting heads instead of breaking heads. The minority gives way not because it is convinced that it is wrong, but because it is convinced that it is a minority.”⁴⁵ Literally having to face an opponent publicly may provoke aggression, anger, and competitive feelings.⁴⁶

44 “The Phenomenon of Outvoting,” *The Sociology of Georg Simmel*, ed. Kurt H. Wolff (New York: The Free Press & London: Collier-Macmillan, 1950), 241–242.

45 Stephen, *Liberty, Equality, Fraternity*, 70.

46 Spitz, *Majority Rule*, 192 (quoted); Arend Lijphart, *Encyclopedia of Democratic Thought*, q/v “Consensus Democracy” (majoritarian democracy is “exclusive, competitive and adversarial”); Jane L. Mansbridge, *Beyond Adversary Democracy* (New York: Basic Books, 1980), 273. Mansbridge adds that because it is distressing to face a hostile majority, the meeting exerts pressure for conformity. Highly motivated militants may just wear down and outlast the others: “The Lower and Weaker Faction, is the firmer in Conjunction: And it is often seene, that a few, that are Stiffe, doe tire out, a greater Number, that are more Moderate.” Francis Bacon, “Of Faction,” *The Essayes or Counsels, Civill and Moral*, ed. Michael Kiernan (Cambridge: Harvard University Press, 1985), 155 (essay no. LI.). Not the least of the many serious inequalities which inhere in the assembly is the inequality between extraverts and introverts. Assembly government discourages attendance by the kind of person who does not like to be in the same room with, say, Murray Bookchin or Peter Staudenmeier.

In a winner-take-all system there is no incentive to compensate or conciliate defeated minorities, who have been told, in effect, that not only are they not to get their way, they are also stigmatized as wrong. The unaccountable majority is arrogant; the defeated minority is resentful.⁴⁷ Coercive voting promotes polarization and hardens positions. Deliberation “can bring differences to the surface, widening rather than narrowing them.”⁴⁸ These consequences, muted in systems of large-scale, secret voting in not-too-frequent elections, are accentuated in the imagined communal combination of very small electorates, extremely frequent elections, and public voting. Citizens will take their animosities and ulcers home with them and act them out in everyday life. Elections are undesirable everywhere, but nowhere would they be more destructive of community than in face-to-face assemblies and neighborhoods.

13. Another source of majority irresponsibility and minority indignity is the felt frivolity of voting, its element of chance and arbitrariness.

47 “To see the proposal of a man whom we despise preferred to our own; to see our wisdom ignored before our eyes; to incur certain enmity in an uncertain struggle for empty glory; to hate and be hated because of differences of opinion (which cannot be avoided, whether we win or lose); to reveal our plans and wishes when there is no need to and to get nothing by it; to neglect our private affairs. These, I say, are disadvantages.” Thomas Hobbes, *On the Citizen*, ed. & tr. Richard Tuck & Michael Silverthorne (Cambridge: Cambridge University Press, 1998), 120.

48 Ian Shapiro, “Optimal Participation?” *Journal of Political Philosophy* 10(2) (June 2002), 198-199.

As Thoreau (quoted by Emma Goldman) put it, “All voting is a sort of gaming, like chequers or backgammon, with a slight moral tinge to it, a playing with right and wrong, with moral questions; and betting naturally accompanies it.”⁴⁹ Majority rule is majority roulette. The popularity of student government and Model UN confirms that there is a ludic, playing-around element to deliberative decision making which is independent of its consequences. Here is an interest the delegates share with each other, but not with their constituents. Voting is a contest, officially umpired by the majority, with sometimes high stakes. To the extent that the assembled citizens are playing games with each other, or that winning for its own sake (or for how you play the game, for that matter) *plays* any part in their motivation, the quality of decision making is reduced still further and the humiliation of submission to majority rule is that much deepened.

14. Under representative democracy with electoral districts, malapportionment—the creation of districts with unequal populations—is possible and, even if they are equal, gerrymandering is almost inevitable.

Modern democrats agree with H.L. Mencken that “it must be plain that a community whose votes, man for man, count for only half as much as the votes of

49 Thoreau, “Civil Disobedience,” 226, quoted in “Anarchism: What It Really Stands For,” Emma Goldman, *Red Emma Speaks: Selected Writings and Speeches*, ed. Alix Kates Shulman (New York: Vintage Books, 1972), 60; Waldron, *Dignity of Legislation*, 126–127.

another community is one in which half of the citizens are, to every practical intent, unable to vote at all.”⁵⁰ Even if, as currently in the United States, districts are required to be nearly equal in population, gerrymandering—the drawing of their boundaries so as to favor some candidate or party—is a standing temptation. Especially since the incumbents do the drawing. Using the latest liberatory technology—the computer—it’s easy to devise gerrymandered but mathematically equal districts.

15. Direct democracy, trying to avert this evil, embraces federalism, which increases inequality.

If the neighborhood or face-to-face basic units were autarchic—self-governing and self-sufficient—it would be nobody’s business but theirs which people they included and how many. They could go to hell in their own way. But schemes for direct democracy typically call for a federal system with layers of “mandated and revocable delegates, responsible to the base” by which the decisions of assemblies are reconciled. Some delegates to the higher levels will potentially speak for a different number of citizens than other delegates but cast equal votes. In a federal system of units of unequal population, voting equality for the units means voting inequality for individuals. The federalist—but single-member—simple-plurality system evidently contemplated by most direct democrats,

50 H.L. Mencken, *Notes on Democracy* (New York: Alfred A. Knopf, 1926), 89 (quoted); see also Dahl, *Dilemmas of Pluralist Democracy: Autonomy*, 83–84.

including the syndicalists, is the least proportionate of all voting systems.⁵¹

The inequality will be compounded at every higher level. The majority; the majority of the majority; the majority of the majority of the majority—the higher up you go, the greater the inequality. The more often you multiply by a fraction, the smaller the number you arrive at. “It is not possible,” it is said, “to find a general answer to the question of to what extent federalism may legitimately be allowed to outweigh democracy.”⁵² Actually, there is a general answer to the question. The answer is no. A direct democrat who claims that an overarching confederal system produces majority decisions,⁵³ affirms the impossible as an act of faith.

16. Direct democracy, to an even greater degree than representative democracy, encourages emotional, irrational decision making.⁵⁴

The face-to-face context of assembly politics engenders strong interpersonal psychological influences

51 Sally Burch, *Encyclopedia of Democratic Thought*, q/v “Electoral Systems.”

52 Linder, *Swiss Democracy*, 84. In the Swiss system, the vote of one citizen in Uri, a small rural canton, outweighs the votes of 34 citizens in Zurich. Ibid., 81.

53 E.g., Murray Bookchin, *Anarchism, Marxism, and the Future of the Left*, 1993–1998 (Edinburgh, Scotland & San Francisco, CA: A.K. Press, 1999), 314.

54 “The general characteristics of crowds are to be met with in parliamentary assemblies: Intellectual simplicity, irritability, suggestibility, the exaggeration of the sentiments and the preponderating influence of a few leaders.” Le Bon, *The Crowd*, 187.

which are, at best, extraneous to decision making on the merits. The crowd is susceptible to orators and stars, and intolerant of contradiction.⁵⁵ The speakers, in the limited time allotted to them, tend to sacrifice reasoning to persuasion whenever they have to choose, if they want to win. As Hobbes wrote, the speakers begin not from true principles but from “commonly accepted opinions, which are for the most part usually false, and they do not try to make their discourse correspond to the nature of things but to the passions of men’s hearts. The result is that votes are cast not on the basis of correct reasoning but on emotional impulse.”⁵⁶ “Pure democracy, like pure rum, easily produces intoxication, and with it a thousand mad pranks and foolishness.”⁵⁷ Dissenters feel intimidated, as they were, for instance, when the Athenian assembly voted for the disastrous Sicilian expedition: “The result of this excessive enthusiasm of the majority was that the few who were actually opposed to the

55 Robert Michels, *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy* (New York: The Free Press & London: Collier-Macmillan Limited, 1962), 64, 98–102. For anyone who has doubts about democracy—and for anyone who doesn’t—this is the first book to read.

56 Hobbes, *The Citizen*, 123; see also Sigmund Freud, *Group Psychology and the Analysis of the Ego*, tr. & ed. James Strachey (New York: W.W. Norton & Company, 1959), 9; Le Bon, *The Crowd*, 187.

57 John Jay quoted in *Life of John Jay*, ed. William Jay (New York: J. & J. Harper, 1833), 2: 315. Jay, co-author of *The Federalist*, was the first Chief Justice of the U.S. Supreme Court.

expedition were afraid of being thought unpatriotic if they voted against it, and therefore kept quiet.”⁵⁸

17. A specific, experimentally validated emotional influence vitiating democracy is group pressure to conform.

This was strikingly demonstrated in a famous experiment by social psychologist Solomon Asch. Each of seven to nine experimental subjects was asked to compare a series of lines, and in each case identify the two lines that were equal in length. For each comparison it was obvious, indeed extremely obvious, which lines matched—but time after time, every member of the group gave the same wrong answer—except the only subject who was unaware of the real purpose of the experiment. In these circumstances, *fifty-eight* percent of the test subjects changed their answer to agree with the unanimous majority. Even when subjects were each given one ally, *thirteen* percent of the subjects agreed with the group instead of the evidence of their senses.⁵⁹ Some of the conformists actually changed their perceptions, but most of them simply decided that the group must be right, no matter how strong was the evidence to the contrary.

18. Another inherent flaw in direct democracy, partly (not entirely) a consequence of the previous one, is the inconstancy of policy.

58 Thucydides, *History of the Peloponnesian War*, tr. Rex Warner (London: Reagan Books, 1951), 425.

59 Solomon E. Asch, *Social Psychology* (Englewood Cliffs, NJ: Prentice-Hall, 1952), 458, 477.

This really covers two related arguments against democracy. What the assembly does at one meeting it may undo at the next, whether because citizens have had sober second thoughts (a good reason) or because a different mix of people shows up (a bad reason). This often happened in classical Athens, the only polity which has ever seriously tried to make direct democracy work. For example, the assembly voted to give the Mytilenians, whose revolt had been crushed, the Melian treatment: death for all the men, slavery for the women and children. The judgment was reversed the next day, the second ship dispatched to Mytilene happily arrived first, and so only the Mytilenians held mainly responsible—over 1,000 of them—were executed.⁶⁰ Better, of course, to reverse a bad decision than stick to it; but people are reluctant to publicly admit they were wrong.

It is bad enough if the composition of the assembly fluctuates randomly or because of politically extraneous factors, as the weather, for instance, influences American election outcomes by influencing voter turnout⁶¹ (higher proportions of Democrats turn out in good weather). But it might well turn on deliberate mobilization by a faction. This, too, happened in Athens. The general Nicias, addressing the assembly in opposition to the proposed Sicilian expedition, stated: “It is with real alarm that I see this young man’s [Alcibiades’] party sitting at his side in this assembly all called in to support him, and I, on my side, call for

60 Finley, *Democracy*, 52; Hegel, “On the English Reform Bill,” 235; Thucydides, *Peloponnesian War*, 212–223.

61 Russell Hardin, *Encyclopedia of Democratic Thought*, “Participation.”

the support of the older men among you.” A line by the satiric playwright Aristophanes also attests to bloc voting in the assembly.⁶²

Hobbes observed that “when the votes are sufficiently close for the defeated to have hopes of winning a majority at a subsequent meeting if a few men swing round to their way of thinking, their leaders get them all together, and they hold a private discussion on how to revoke the measure that has just been passed. They resolve among themselves to attend the next meeting in large numbers and to be there first; they arrange what each should say and in what order, so that the question may be brought up again, and the decision that was made when their opponents were there in strength may be reversed when they fail to show.”⁶³

Hobbes exactly describes how Samuel Adams manipulated another assembly, the Boston town meeting, at prior private meetings of his faction at the Caucus Club: “Caucusing involved the widest prevision of problems that might arise and the narrowest choice of response to each possibility; who would speak to any issue, and what he would say; with the clubmen’s general consent guaranteed, ahead of time, to both choice of speaker and what the speaker’s message would be.” His cousin John Adams was astonished, after many years of attending town meetings, to learn of this: “There they drink flip [a rum drink], I suppose, and there they choose a moderator who puts questions to

62 Thucydides, *Peloponnesian War*, 417 (quoted); “Ecclesiastusai,” *Aristophanes: Plays II*, tr. Patric Dickinson (London: Oxford University Press, 1970), 2: 256.

63 Hobbes, *On the Citizen*, 124.

the vote regularly, and selectmen, assessors, wardens, fire wards, and representatives are regularly chosen before they are chosen by the town.”⁶⁴ Exactly the same methods of manipulation were practiced in the Athenian assembly.⁶⁵

Direct democracy is well suited to machine politics: “The powerful town meeting [in Boston] named the many municipal officials, determined taxes and assessments, and adopted public service projects that were a rich source of jobs and economic largesse. For years the original Caucus and its allies in the Merchants Club had acted as the unofficial directing body of the town meeting in which Caucus stalwart Sam Adams played a key role.”⁶⁶ This is democracy in action.

What Hobbes is talking about, as he proceeds to say, is faction, which he defines as “a sort of effort and

64 Gary Wills, *Inventing America: Jefferson's Declaration of Independence* (Garden City, NY: Doubleday & Company, 1978), 20 (quoted), 23 (quoting John Adams). The Bostonians recreated the smoke-filled room at the Continental Congress, where Jefferson noticed that “[Samuel Adams] was constantly holding caucuses of distinguished men, among whom was Richard Henry Lee, at which the generality of the measures pursued were previously determined on, and at which the parts were assigned to the different actors who afterwards appeared in them.” Quoted in *ibid.*, 25.

65 R.K.Sinclair, *Democracy and Participation in Ancient Athens* (Cambridge: Cambridge University Press, 1998), 144-145.

66 Richard Maxwell Brown, “Violence and the American Revolution,” in *Essays on the American Revolution*, ed. Stephen G. Kurtz & James H. Hutson (Chapel Hill, NC: University of North Carolina Press & New York: W.W. Norton & Co., 1973), 102.

hard work, which they use to *fashion* people.”⁶⁷ James Madison famously argued that direct democracy promotes factionalism.⁶⁸ But an organization of organizers of votes serves a purpose (its own) in any assembly or legislature. Parties (the euphemism for “factions”) could play central roles in a direct democracy, maybe greater roles than in representative democracy.⁶⁹

Only regular high turnouts would minimize (not eliminate) these capricious or manipulated reversals, since, if most citizens attend every meeting, most of them who attend one meeting will attend another. The polar possibilities are that all the same people, or all different people, attend the next meeting. If it is all the same people, it is *de facto* oligarchy. If it is all different people, it is chaos, the only kind of “anarchy” consistent with direct democracy. It will usually turn out to be closer to oligarchy.

Conclusion

Majority rule is as arbitrary as random decision, but not nearly as fair.⁷⁰ For a voter, the only difference between the lottery⁷¹ and an election is that he might

67 Hobbes, *On the Citizen*, 124.

68 James Madison, *The Federalist* No. 10, at 56–57.

69 Murray Bookchin, *Rise of Urbanization and the Decline of Citizenship* (San Francisco, CA: Sierra Club Books, 1987), 243; Ian Budge, *Encyclopedia of Democratic Thought*, q/v “Direct Democracy.”

70 Wolff, *In Defense of Anarchism*, 44–45.

71 Thus “universal suffrage is in my eyes nothing but a lottery.” Pierre-Joseph Proudhon, *General Idea of the Revolution in the Nineteenth Century*, tr. John Beverley Robinson (London: Freedom Press, 1923), 141.

win the lottery. Better pure chance than “*pure democracy*, or the immediate autocracy of the people,” as Joel Barlow described it.⁷² A celebrant of Swiss direct democracy at its height admits: “Corruption, factionalization, arbitrariness, violence, disregard for law, and an obdurate conservatism that opposed all social and economic progress were pathologies to some extent endemic to the pure democratic life form.”⁷³ Democracy in any form is irrational, unjust, inefficient, capricious, divisive, and demeaning. Its direct and representative versions, as we have seen, share many vices. Neither version exhibits any clear advantage over the other. Each also has vices peculiar to itself. Indeed the systems differ only in degree. Either way, the worst tyranny is the tyranny of the majority,⁷⁴ as most anarchists, and some conservatives, and some liberals, and even the more honest democrats, have often said.

Is democracy nonetheless the best form of government? Even that is not so obvious, after taking a

72 Joel Barlow, “To His Fellow Citizens of the United States. Letter II: On Certain Political Measures Proposed for Their Consideration,” in *American Political Writing during the Founding Era, 1760-1805*, ed. Charles S. Hyneman & Donald S. Lutz (2 vols.; Indianapolis, IN: Liberty Fund, 1983), 2: 1106.

73 Benjamin Barber, *The Death of Communal Liberty* (Princeton, NJ: Princeton University Press, 1974), 197.

74 E.g., Goldman, “The Individual, Society and the State,” *Red Emma Speaks*, 98; see also Robert L. Hoffman, *Revolutionary Justice: The Social and Political Theory of P.-J. Proudhon* (Urbana, IL: University of Illinois Press, 1972), 187. The expression is generally credited to Alexis de Tocqueville (*Democracy in America*, 250) and it was further popularized by John Stuart Mill; but it was used by at least one Anti-Federalist in the Ratification debate. Wood, *Creation of the American Republic*, 484 & n. 19. Certainly the idea was widespread then, and since.

hard look at just how bad it is. Its theory is reducible to ruins in a few pages. The believers claim that democracy promotes dialogue, but where is the dialogue about democracy itself? Democrats ignore their critics, as if democracy is such a done deal, why bother to defend it? They just take it for granted that somebody (Locke? Rousseau? Lincoln? Churchill?) has long since made out a strong case for democracy. Nobody ever did. That's why you didn't learn it in school. You were just told to believe. The arguments for democracy—which aren't often articulated—are so flawed and flimsy, some of them even so silly,⁷⁵ that pious democrats might be startled.⁷⁶

75 For example, voluntary residence in a country is said to be “tacit” consent to its democratic government. Love it or leave it! Incredibly, most democrats fail to notice that if voluntary residence counts as consent to be ruled, then it counts as consent to be ruled by any government, despotic or democratic. Harry Brighouse, “Democracy and Inequality,” in *Democratic Theory Today: Challenges for the 21st Century*, ed. April Carter & Geoffrey Stokes (Cambridge, England: Polity Press, 2002), 56; J.P. Plamanatz, *Consent, Freedom, and Political Obligation* (2nd ed.; London: Oxford University Press, 1968), 7–8; A. John Simmons, *Moral Principles and Political Obligations* (Princeton, NJ: Princeton University Press, 1979), 73–74 & ch. 4. In the anthology *Democratic Theory Today*, the eleven contributors—all of them college professors—solemnly discuss civic republicanism, developmental democracy, deliberative democracy, associative democracy, etc. Not one of them pauses to justify democracy itself.

76 See, e.g., William Godwin, *Enquiry Concerning Political Justice*, ed. Isaac Kramnick (Harmondsworth, Middlesex, England: Penguin Books, 1976), 209–253; Crispin Sartwell, *Against the State* (Albany, NY: State University of New York Press, 2008), 39–96 (quoted).

Now, it may be that some of these criticisms of democratic government are really criticisms of government itself. That does not detract from, but rather enhances, their validity. That just means that democracy is not so special after all, and that it *has been found out*.

Anarchism

Anarchy 101

What is “anarchism”? What is “anarchy”? Who are “anarchists”?

Anarchism is an idea about what’s the best way to live. Anarchy is the name for that way of living.

Anarchism is the idea that the state (government) is unnecessary and harmful. Anarchy is society without government. Anarchists are people who believe in anarchism and desire for us all to live in anarchy (as all our ancestors did for at least a million years).

People who believe in government (such as liberals, conservatives, socialists and fascists) are known as “statists.” Anarchists appreciate that statists don’t believe all the same things. Some of their differences with each other are important. But the most important difference of all is between what they all believe in — the state — and what anarchists believe in: anarchy.

It might sound like anarchism is purely negative, that it’s just *against* something. Anarchism truly is unconditionally against something: the state. But it is also *for* something: a decentralized, cooperative,

human-scale society. Anarchists have many positive ideas about life in a stateless society. But, unlike Marxists, liberals and conservatives, they don't offer a blueprint.

Aren't anarchists bomb-throwers?

No — at least not compared to, say the United States Government. Why do we still hear about “bomb-throwing anarchists,” although anarchists rarely throw bombs any more, but not about “bomb-dropping Presidents”? According to one study, governments killed 292 million *civilians* during the 20th century. They are by far the greatest terrorists.

Anarchists have been active for many years and in many countries, under autocratic as well as democratic governments. Sometimes, especially under conditions of severe repression, some anarchists have thrown bombs. But that has been the exception. The “bomb-throwing anarchist” stereotype was concocted by politicians and journalists in the late 19th century, and they still won't let go of it, but even back then it was a gross exaggeration.

Has there ever been an anarchist society that worked?

Yes, many thousands of them. For their first million years or more, all humans lived as hunter-gatherers in small bands of equals, without hierarchy or authority. These are our ancestors. Anarchist societies must have been successful, otherwise none of us would be here. The state is only a few thousand years old, and it has taken that long for it to subdue the last anarchist

societies, such as the San (Bushmen), the Pygmies, and the Yanamomo Indians in the Amazon.

But we can't go back to that way of life.

Most anarchists would agree. But it's still worthwhile to study these societies, if only to learn that anarchy isn't impossible. We might even to pick up some ideas on how a completely voluntary, highly individualistic, yet cooperative society might work. To take just one example, anarchist foragers and tribesmen often have highly effective methods of conflict resolution, including mediation and nonbinding arbitration. Their methods work better than our legal systems because the family, friends and neighbors of the disputants encourage disputants to agree, helped by sympathetic and trustworthy go-betweens, to find some reasonable resolution of the problem. In the 1970s and 1980s, academic supposed experts tried to transplant some of these methods into the American legal system. Naturally the transplants withered and died, because they only live in a free society.

Anarchists are naïve: they think human nature is essentially good.

Not so. It's true that anarchists reject ideas of innate depravity or Original Sin. Those are religious ideas that most people no longer believe in. But anarchists don't usually believe that human nature is essentially good either. They take people as they are. Human beings aren't "essentially" anything. We who live under capitalism and its ally, the state, are just people who have never had a chance to be all we can be.

(And surely the last place to be all you can be is in the Army! — which is where you can most clearly see the essence of the state: blind obedience, hierarchy, and systematic violence.)

Although anarchists often make moral appeals to the best in people, just as often they appeal to enlightened self-interest. Anarchism is not a doctrine of self-sacrifice, although anarchists have fought and died for what they believe in. Anarchists believe that the carrying-out of their basic idea would mean a better life for almost everyone.

How can you trust people not to victimize each other without the state to control crime?

If you can't trust ordinary people not to victimize each other, how can you trust the state not to victimize us all? Are the people who get into power so unselfish, so dedicated, so superior to the ones they rule? Political power, as anarchist Alex Comfort argued, attracts some of the same kind of people as crime does. The more you distrust your fellow man, the more reason there is for you to become an anarchist. Under anarchy, power is reduced and spread around. Everybody has some, but nobody has very much. Under the state, power is concentrated, and most people have none, really. Which kind of power would you like to go up against?

But — let's get real — what would happen if there were no police?

As anarchist Allen Thornton observes, "Police aren't in the protection business; they're in the revenge

business.” Forget about Batman driving around interrupting crimes in progress. Police patrol does not prevent crime or catch criminals. When police patrol was discontinued secretly and selectively in Kansas City neighborhoods, the crime rate stayed the same. Other research likewise finds that detective work, crime labs, etc. have no effect on the crime rate. But when neighbors get together to watch over each other and warn off would-be criminals, criminals try another neighborhood which is protected only by the police. The criminals know that they are in little danger there.

But the modern state is deeply involved in the regulation of everyday life. Almost every activity has some sort of state connection.

That’s true—but when you think about it, everyday life is almost entirely anarchist. Rarely does one encounter a policeman, unless he is writing you a traffic ticket. Voluntary arrangements and understandings prevail almost everywhere. As anarchist Rudolph Rocker wrote: “The fact is that even under the worst despotism most of man’s personal relations with his fellows are arranged by free agreement and solidaric cooperation, without which social life would not be possible at all.”

Family life, buying and selling, friendship, worship, sex, and leisure are anarchist, whatever else you might say about them. Even in the workplace, which many anarchists consider to be as coercive as the state, workers notoriously cooperate, independent of the boss, both to minimize work and to get it done. Some

people say anarchy doesn't work. But it's almost the only thing that does! The state rests, uneasily, on a foundation of anarchy, and so does the economy.

Aren't anarchists atheists? Most people aren't atheists.

You don't have to be an atheist to be an anarchist. Anarchists respect everyone's personal beliefs, they just don't want them to be imposed on others. Historically, many anarchists have been atheists because organized religion has historically been the ally of the state, and because religion has discouraged people from thinking for themselves. All anarchists oppose the unholy alliance of church and state whether in Iran or Israel or the United States. But there have been influential Christian anarchists (Leo Tolstoy, Dorothy Day), Jewish anarchists (Paul Goodman), Muslim anarchists (Hakim Bey), and anarchists who identify with pagan or Eastern religious traditions.

Culture?

Anarchism has always attracted generous and creative spirits who have enriched our culture. Anarchist poets include Percy Bysshe Shelley, William Blake, Arthur Rimbaud, and Lawrence Ferlinghetti. American anarchist essayists include Henry David Thoreau and, in the 20th century, Dwight Macdonald, Paul Goodman, and the Catholic anarchist Dorothy Day. Anarchist scholars include the linguist Noam Chomsky, the historian Howard Zinn, and the anthropologists A.R. Radcliffe-Brown, Pierre Clastres and David Graeber. Anarchist literary figures are far too numerous to list but include Leo Tolstoy, Oscar Wilde, B. Traven, Mary

Shelley (author of *Frankenstein*), and Alex Comfort (author of anarchist essays as well as *The Joy of Sex*). Anarchist painters include Gustav Courbet, Georges Seurat, Camille Pissarro, and Jackson Pollock. Other creative anarchists include such musicians as John Cage, John Lennon, the band CRASS, etc.

Supposing you're right, that anarchy is a better way to live than what we have now, how can we possibly overthrow the state if it's as powerful and oppressive as you say it is?

Anarchists have always thought about this question. They have no single, simple answer. In Spain, where there were several million anarchists in 1936 when the military attempted a coup, they fought the Fascists at the front at the same time that they supported workers in taking over the factories. And they supported the peasants in forming collectives on the land. Anarchists did the same thing in Ukraine in 1918-1920, where they had to fight both the Czarists and the Communists. But that's not how we will bring down the system in the world of the 21st century.

Consider the revolutions that overthrew Communism in Eastern Europe. There was some violence and death involved, more in some countries than in others. But what brought down the politicians, bureaucrats and generals—the same enemy we face—was that most of the population just refused to work or do anything else to keep a rotten system going. What were the commissars in Moscow or Warsaw to do, drop nuclear weapons on themselves? Exterminate the workers that they were living off of?

Most anarchists have long believed that what they call a *general strike* could play a large part in crumbling the state. That is, a collective refusal to work.

If you're against all government, you must be against democracy.

If democracy means that people control their own lives, then all anarchists would be, as American anarchist Benjamin Tucker called them, “unterrified Jeffersonian democrats”—they would be the only true democrats. But that’s not what democracy really is. In real life, a part of the people (in America, almost always a minority of the people) elect a handful of politicians who control our lives by passing laws and using unelected bureaucrats and police to enforce them whether the majority likes it or not.

As the French philosopher Rousseau (not an anarchist) once wrote, in a democracy, people are only free at the moment they vote, the rest of the time they are government slaves. And the politicians in office and the bureaucrats are usually under the powerful influence of big business and often other special interest groups. So are the mass media. Everyone knows this. But some people keep silent because they are getting benefits from the powerholders. Many others keep silent because they know that protesting does no good and they might be called “extremists” or even “anarchists” (!) if they tell it like it is. Most people figure that, as we say in America, “you can’t fight city hall.” Some democracy!

Well, if you don't elect officials to make the decisions, who does make them? You can't tell me that everybody can do as he personally pleases without regard for others.

Anarchists have many ideas about how decisions would be made in a truly voluntary and cooperative society. Most anarchists believe that such a society must be based on local communities small enough for people to know each other; or where people at least would share ties of family, friendship, opinions or interests with almost everybody else. And because this is a local community, people also share common knowledge of their community and its environment. They know that they will have to live with the consequences of their decisions. Unlike politicians or bureaucrats, who decide for *other people*.

Anarchists believe that decisions should usually be made at the smallest possible level. Every decision which individuals can make for themselves, without interfering with anybody else's decisions for themselves, they should make for themselves. Every decision made in small groups (such as the family, religious congregations, co-workers, etc.) is again theirs to make as far as it doesn't interfere with others. Decisions with significant wider impact, if anyone is concerned about them, would go to an occasional face-to-face community assembly.

The community assembly, however, is not a legislature. No one is elected. Anyone may attend, although nobody has to. People speak for themselves, not for anybody else. But as they speak about specific issues, they are very aware that for them, winning

isn't everything. They want everybody to win. They value fellowship with their neighbors. They try, first, to reduce misunderstanding and clarify the issue. Often that's enough to produce agreement. If that's not enough, they work for a compromise. Very often they accomplish it. If not, the assembly may put off the issue, if it's something that doesn't require an immediate decision, so the entire community can reflect on and discuss the matter prior to another meeting. If that fails, the community will explore whether there's a way the majority and minority can temporarily separate, each carrying out its preference.

If, after all else, if people have irreconcilable differences about the issue and they think it's that important, the minority has two choices. It can go along with the majority, this time, because community harmony is more important than the issue. Maybe the majority can conciliate the minority with a decision about something else. If all else fails, and if the issue is so important to the minority, it may separate to form a separate community, just as various American states have done. That's not a failure for anarchy, because the new community will recreate anarchy. Anarchy isn't a perfect system—it's just better than all the others.

We can't satisfy all our needs or wants at the local level.

Maybe not *all* of them, but a lot more than now. There's evidence from archaeology of long-distance trade, over hundreds or even thousands of miles, in anarchist, prehistoric Europe. Anarchist primitive societies visited by anthropologists in the 20th century,

such as the San (Bushmen) hunter-gatherers and the tribal Trobriand Islanders, conducted such trade between individual “trade-partners”—although it was more like exchanging gifts than what we think of as commerce. Practical anarchy has never depended on total local self-sufficiency. But many modern anarchists have urged that communities, and regions, should be as self-sufficient as possible, so as not to depend on distant, impersonal outsiders for necessities. Even with modern technology, which was often designed specifically to enlarge commercial markets by breaking down self-sufficiency, much more local self-sufficiency is possible than governments and corporations want us to know.

One definition of “anarchy” is chaos. Isn’t that what anarchy would be—chaos?

Pierre-Joseph Proudhon, the first person to call himself an anarchist, wrote that “liberty is the mother, not the daughter of order.” Anarchist order is superior to state-enforced order because it is not a system of coercive laws, it is simply how communities of people who know each other decide how to live together. Anarchist order is based on rational custom, on common consent and common sense.

When was the philosophy of anarchism formulated?

Some anarchists think that anarchist ideas were expressed by Diogenes the Cynic in ancient Greece, by Lao Tse (the legendary founder of Taoism) in ancient China, by certain medieval mystics, and also by radical Puritans during the 17th century English Civil War.

But modern anarchism began with William Godwin's *Political Justice* published in England in 1793. It was revived in France by Pierre-Joseph Proudhon in the 1840s (*What Is Property?*). He inspired an anarchist movement among French workers, and there has been an anarchist movement, which soon became international, ever since. In Germany, Max Stirner in *The Ego and His Own* (1844) defined the enlightened egoism which is a basic anarchist value. An American, Josiah Warren, independently arrived at similar ideas at the same time and influenced the large-scale movement at the time to found thousands of American utopian communities. Anarchist ideas were developed further by the great Russian revolutionary Michael Bakunin, by the respected Russian revolutionary and scholar Peter Kropotkin, and by the great Russian author Leo Tolstoy. (Several influential American anarchists, such as Emma Goldman and Alexander Berkman, were also Russian-born.) Anarchists hope that their ideas continue to develop in a changing world.

This revolutionary stuff sounds a lot like Communism, which nobody wants.

Anarchists and Marxists have been enemies since the 1850s. Although they have sometimes cooperated against common enemies, such as the Czarists during the Russian Revolution, and the Fascists during the Spanish Civil War, the Communists have always betrayed the anarchists. From Karl Marx to Joseph Stalin, Marxists have denounced anarchism.

Some anarchists, followers of Kropotkin, call themselves “communists”—not Communists. But

they contrast their free communism, arising from below—the voluntary pooling of land, facilities and labor in local communities where people know each other—to a Communism imposed by force by the state, nationalizing land and productive facilities, denying all local autonomy, and reducing workers to powerless state employees. How could the two systems be more different?

Anarchists welcomed and in fact participated in the overthrow of European Communism. Some foreign anarchists had been assisting Eastern Bloc dissidents—as the U.S. Government had not—for many years. Anarchists are now active in all the former Communist countries, as well as in other formerly authoritarian countries (whose regimes the U.S. Government *did* support) such as Greece, Turkey, Spain, Portugal, Brazil, Argentina, the Philippines, etc.

The Communist collapse certainly did discredit much of the American and European left, but not the anarchists, many of whom do not consider themselves leftists anyway. Anarchists were around before Marxism and we are still around after it.

Don't anarchists advocate violence?

Does anybody advocate violence for its own sake? Not anarchists, certainly. Anarchists aren't nearly as violent as Democrats, Republicans, liberals and conservatives. Those people only *seem* to be nonviolent because they use the state to do their dirty work—to be violent for them. But violence is violence. Wearing a uniform or waving a flag does not change that. The state is violent by definition. The police routinely

commit acts of violence which are crimes when they are committed by anybody else than the police. Without violence against our anarchist ancestors—hunter-gatherers and farmers—there would be no states today. *Some* anarchists advocate violence, and a few of them engage in it—but *all* states engage in violence *all the time*.

Some anarchists, in the tradition of Tolstoy, are pacifist and nonviolent on principle. A relatively small number of anarchists believe in going on the offensive against the state. Most anarchists believe in self-defense and would also accept some level of violence in a revolutionary situation.

The issue is not really violence vs. nonviolence. The issue is *direct action*. Anarchists believe that people—all people—should take their fate into their own hands, individually or collectively, whether doing that is legal or illegal, and whether it has to involve violence or it can be accomplished nonviolently.

What exactly is the social structure of an anarchist society?

Most anarchists are not “exactly” sure. The world will be a very different place after government has been abolished. We will just have to look around at the world the state has left us with, and see what we can do with it. That’s what anarchy is all about: deciding for ourselves.

Anarchists don’t usually offer blueprints, but they propose some guiding principles. They say that *mutual aid*—cooperation rather than competition—is the soundest basis for social life. They are *individualists* in

the sense that they think society exists for the benefit of the individual, not the other way around. They favor *decentralization*, meaning that the foundations of society should be local, face-to-face communities. These communities then federate—in relations of mutual aid—but only to coordinate activities which can't be carried on by local communities.

Anarchist decentralization turns the existing hierarchy upside down. Right now, the higher the level of government, the more power it has. Under anarchy, higher levels of association aren't governments at all. They have no coercive power, and the higher you go, the less responsibility is delegated to them from below. Still, anarchists are aware of the risk that these federations might become bureaucratic and statist. We are utopians but we are also realists. We will have to monitor those federations closely. As Thomas Jefferson put it, “eternal vigilance is the price of liberty.”

Any last words?

Winston Churchill, the British politician, once wrote that “democracy is the worst system of government, except for all the others.” Anarchy is the worst system of society—except for all the others. So far, all civilizations (state societies) have collapsed, except the current one. State societies are inherently unstable. Sooner or later, our civilization will also collapse. It's not too soon to start thinking about what to put in its place. Anarchists have been thinking about that for over 200 years. We have a head start. We invite you to explore our ideas—and to join us in trying to make the world a better place.

Theses on Anarchism After Post-Modernism

Anarchism, n.

1. The doctrine that a stateless society is possible and desirable. Obsolete.
2. Rule by anarchists.

Anarchism, properly understood, has nothing to do with standards and values in a moral sense. Morality is to the mind what the state is to society: an alien and alienating limitation on liberty, and an inversion of ends and means. For anarchists, standards and values are best understood—that is, they are most useful—as approximations, shortcuts, conveniences. They may summarize a certain practical wisdom won by social experience. Then again, they may be the self-serving dictates of authority, or once-useful formulations which, in changed circumstances, no longer serve any anarchist purpose, or any good purpose.

To speak of anarchist standards and values, then, is not necessarily nonsensical—but it does involve risks, often avoidable risks. In a society still saturated

with Christianity and its secular surrogates, the risk is that the traditionally absolutist use of these moralistic words will carry over to the way the anarchists use them. Do you have standards and values or do they have you? It is usually better (but, of course, not necessarily or absolutely better) for anarchists to avoid the treacherous vocabulary of moralism and just say directly what they want, why they want it, and why they want everybody to want it. In other words, to put our cards on the table.

Like standards and values, the anarchist “isms,” old and new, are best regarded as resources, not restraints. They exist for us, not us for them. It doesn’t matter if I, for instance, may have gotten more out of situationism than syndicalism, whereas another anarchist has gotten more out of feminism or Marxism or Islam. Where we have visited and even where we come from are less important than where we are and where, if anywhere, we’re going—or if we are going to the same place.

Let “Type 1” refer to anarcho-leftism. Let “Type 2” refer to anarcho-capitalism. Let “Type 3” refer to the meta-typical (“names name me not”). The Type 3 anarchist categorically rejects categorization. His “existence precedes his essence” (Sartre). For her, nothing is necessarily necessary, and everything is possibly possible. He thinks immediatism takes too long. “She flies on strange wings” (Shocking Blue). Winston Churchill’s wife once complained about his drinking. Churchill replied that he had taken more out of alcohol than alcohol had taken out of him. The Type 3 anarchist takes more out of anarchism than anarchism

takes out of her. And he tries to get more out of life than life gets out of him. A loving, thoughtful, self-affirming, predatory orientation has as many practical applications as the ingenuity and imagination of the Type 3 suggests to her.

In principle, the rejection of principles of universal application has universal application. In practice, every individual has his limitations, and the force of circumstances varies. There's no formula for success, not even the recognition that there's no formula for success. But reason and experience identify certain areas of foreseeable futility. It is easy and advisable, for instance, for anarchists to abstain from electoral politics. It is preferable but often not possible to abstain from work, although it is usually possible to engage in some workplace resistance without undue risk. Crime, the black market, and tax evasion are sometimes realistic alternatives or adjuncts to involvement in the state-sanctioned system. Everyone has to evaluate his own circumstances with an open mind. Do the best you can and try not to get caught. Anarchists have enough martyrs already.

Anarchism is in transition, and many anarchists are experiencing anxiety. It is very easy to advocate changing the world. Talk is cheap. It is not easy to change your own small corner of it. The differences among the traditional anarchist tendencies are irrelevant because the traditional anarchist tendencies are themselves irrelevant. (For present purposes let's disregard the Type 2, free-market anarchists who seem to have no noticeable presence except in the United States, and even there they have little dialog with, and

less influence over the rest of us.) The worldwide, irreversible, and long-overdue decline of the left precipitated the current crisis among anarchists.

Anarchists are having an identity crisis. Are they still, or are they only, the left wing of the left wing? Or are they something more or even something else? Anarchists have always done much more for the rest of the left than the rest of the left has ever done for them. Any anarchist debt to the left has long since been paid in full, and then some. Now, finally, the anarchists are free to be themselves. But freedom is a frightening, uncertain prospect, whereas the old ways, the leftist clichés and rituals, are as comfortable as a pair of old shoes (including wooden shoes). What's more, since the left is no longer any kind of threat, anarcho-leftists are in no danger of state repression when they remember and reenact their ancient, mythic glories. That's about as revolutionary as smoking hash, and the state tolerates both for the same reason.

Just how “anarchistic” is the world anyway? In one way, very anarchistic; in another, not at all. It is very anarchistic in the sense that, as Kropotkin argued, human society, human life itself, always depends far more on voluntary cooperative action than on anything the state orders. Under severely statist regimes—the former Soviet Union or present-day New York City—the regime itself depends on widespread violations of its laws to stay in power and keep life going. In another way, the world is not anarchist at all, because no human population exists anywhere any more which is not subject to some degree of control by some state.

War is too important to be left to the generals, and anarchy is too important to be left to the anarchists. Every tactic is worth trying by anyone inclined to try it, although proven mistakes — such as voting, banning books (especially mine), random violence, and allying with the authoritarian left — are best avoided. If anarchists haven't learned how to revolutionize the world, hopefully they have learned a few ways how not to. That's not enough, but it is something.

To speak of priorities is an improvement on speaking of standards and values, as the word is less burdened with moralistic overtones. But again, do you have priorities, or do priorities have you?

Self-sacrifice is counter-revolutionary. Anyone capable of sacrificing himself for a cause is capable of sacrificing someone else for it too. Therefore, solidarity among the self-sacrificial is impossible. You just can't trust an altruist. You never know when he might commit some disastrous act of benevolence.

"The struggle against oppression" — what a fine phrase! A circus-tent commodious enough to cover every leftist cause, however clownish, and the less relevant it is to the revolution of everyday life, the better. Free Mumia! Independence for East Timor! Medicines for Cuba! Ban land mines! Ban dirty books! Viva Chiapas! Legalize pot! Save the whales! Free Nelson Mandela! — no wait, they already did that, now he is a head of state, and will any anarchist's life ever be the same? Everybody is welcome under the big top, on one condition: that he refrain from any and all critique of any and all of the others. You sign my petition and I'll sign yours...

By maintaining the public image of a common struggle against oppression, leftists conceal, not only their actual fragmentation, incoherence and weakness, but—paradoxically—what they really do share: acquiescence in the essential elements of state/class society. Those who are content with the illusion of community are reluctant to risk losing its modest satisfactions, and maybe more, by going for the real thing. All the advanced industrialized democracies tolerate a leftist loyal opposition, which is only fair, since it tolerates them.

Chomsky on the Nod

Chomsky on Anarchism. By Noam Chomsky. Selected and edited by Barry Pateman. Edinburgh, Scotland and Oakland, California: AK Press, 2005.

Occupy. By Noam Chomsky. Brooklyn, New York: Zuccotti Park Press, 2012.

*Let me just say that I don't really
regard myself as an anarchist thinker*
— Noam Chomsky¹

Let me just say that I agree with him. Noam Chomsky is not only the world's most famous anarchist. He's the world's most famous anarchist who isn't one.

Chomsky had written books, many books, for almost 50 years—on linguistics (his academic specialty) and on U.S. foreign policy (his phobic obsession)—before he or his publisher, AK Press, felt a need to publish his writings on anarchism. The back

1 *Chomsky on Anarchism*, 135. Hereafter, page references to this book will appear in parentheses in the body of the text.

cover blurb for *Chomsky on Anarchism* is as ingenuous as it is amusing: “in this flood of publishing and re-publishing”—almost all of it, by now, from his current publisher, AK Press—“very little gets said about what exactly Chomsky stands for, his own personal politics, his vision for the future.”

To say, in the passive voice, that “very little gets said,” is evasive. Very little gets said about Chomsky’s anarchism because *Chomsky* says very little about it. In his “Preface” to the book, writing on behalf of the AK Press Collective, Charles Weigl relates: “I was a teenager [the year was around 1980] when I first learned that Chomsky was an anarchist.” (5) This was the period when some punks took up anarchism as a slogan (“Anarchy in the U.K.” and all that) and as a subcultural signifier, like Mohawk haircuts. By the 1990s, Marxism ceased to be fashionable and anarchism began to be fashionable. That was when Chomsky began to open up about his anarchism to his American readers and listeners. The Chomsky marketed by AK Press combines the holiness of a saint with the infallibility of a pope.

There’s a simple reason why Chomsky’s anarchism came as a surprise to Weigl. Chomsky himself kept it a secret so as not to trouble the leftists and liberals he was writing books for, and, in full page newspaper ads, signing petitions with (justice for East Timor! etc.). That’s why it is genuinely funny (the only laugh in this otherwise solemn book) that Barry Pateman can say that “Outside the anarchist movement, many are completely unaware of the libertarian socialist roots of Chomsky’s work.” (5) That’s because he kept those

roots buried. Chomsky, whose first linguistics book was published in 1957, and whose first left-wing political book was published in 1969, has never written for an American anarchist newspaper or magazine, although he writes for rags with titles like *International Socialist*. He has given literally thousands of speeches² and interviews, only one of each, so far as I know, for anarchists.³ But he has often written for left-liberal and Marxist periodicals.⁴ Judging from this book, his first and, for many years, his only pro-anarchist text was an Introduction to Daniel Guérin's *Anarchism: From Theory to Practice*.⁵ He publicly acknowledged that he was an anarchist in 1976, in an interview with the British Broadcasting System (133–48), but this

2 James McGilvray, *Chomsky: Language, Mind, and Politics* (Cambridge, England: Polity Press, 1999), 1.

3 Noam Chomsky, "Preface," *Powers & Prospects* (Boston, MA: South End Press, 1996), xi.

4 "Noam Chomsky is probably the most well-known American anarchist, somewhat curious given the fact that he is liberal-leftist politically and downright reactionary in his academic specialty of linguistic theory." John Zerzan, "Who is Chomsky?" in *Running on Emptiness: The Pathology of Civilization* (Los Angeles, CA: Feral House 2002), 140. Zerzan has recently written to me: "He commonly appears in progressive and Marxist-Leninist rags (e.g. *Int'l Socialist Review*) but has he ever contributed to an anarchist one? Some @s I know in Istanbul asked him for something to go into their zine, a few years ago, and he impatiently replied, 'I'm an activist, why don't you ask Zerzan?' This was at the Istanbul Hilton after finally getting through all the suits to get in a word with the old turd. He seemed greatly embarrassed to be even seen talking to them." John Zerzan, letter to Bob Black, April 12, 2012.

5 New York: Monthly Review Press, 1970. This was a Marxist publisher.

interview was not published in the United States until 27 years later (148).⁶

Chomsky on Anarchism is a book of 241 pages, from which we can subtract six pages of gushing, adulatory Prefaces and Introductions, so it is down to 235 pages. 91 of these pages consist of “Objectivity and Liberal Scholarship” (11–100), which was, in 1969, his debut political essay. It wasn’t necessary to reprint this text, even if it was worth reprinting, because Black & Red in Detroit had already done so.⁷ The first part of this text is a bitter, well-documented denunciation of the academic and intellectual supporters of the Vietnam War. (29–40) This is the template for many books which Chomsky went on to write. It has nothing to do with anarchism. The Vietcong were not anarchists. So: $235 - 29 = 206$ pages.

The second part of this text is a critical review of a book about the Spanish Civil War by historian Gabriel Jackson.⁸ Chomsky convincingly shows, contrary to Jackson, that there was a Spanish Revolution, not merely a Spanish Civil War. Spanish workers and peasants — many of them anarchists — initially defeated, in some parts of Spain, the fascist generals, and

6 Noam Chomsky, *Radical Priorities*, ed. C.P. Otero (expanded ed.; Oakland, CA: AK Press, 2003), 211–24. He wrote a preface for a Yugoslav anarchist anthology in the Slovene language in 1986 (149–52) which his non-Slovene readers would of course never see. The BBC interview was published — in Canada — in 1981. Noam Chomsky, *Radical Priorities*, ed. Carlos P. Otero (Montreal, Quebec, Canada: Black Rose Books, 1981), 245–261.

7 Noam Chomsky, *Objectivity and Liberal Scholarship* (Detroit, MI: Black & Red, 1997).

8 *The Spanish Republic and the Civil War: 1931–1939* (Princeton, NJ: Princeton University Press, 1965).

also collectivized much of industry and agriculture, which they placed under self-management. It is possible—in my opinion, and also in Chomsky’s opinion, probable—that if the Soviet-supported Republican government hadn’t suppressed the social revolution, it might not have lost the war.

However, correcting the history of the anarchist role in the Spanish Civil War is not the same thing as writing about anarchism, much less expounding one’s own “vision” of anarchism. Many historians who are not anarchists have written about, and documented, the anarchist role in the Spanish revolution.⁹ They were doing so before Chomsky’s brief, one-time intervention, and they have done so afterwards. Since what Chomsky says there isn’t really Chomsky on anarchism—it doesn’t say anything about (in Pate-man’s language) what he stands for, his vision for the future—I would subtract all 91 pages of “Objectivity and Liberal Scholarship,” although it was a worthy writing, in 1969—so we are down to about 135 pages.

“Containing the Threat to Democracy”—anarchism should *be* the threat to democracy—is 23 more pages of Chomsky’s standard denunciations of the mass media, U.S. foreign policy, and other college professors who disagree with him, plus Chomsky’s espousal of democracy, natural rights, and even his supposedly Cartesian linguistic philosophy—everything *except* anarchism, which isn’t mentioned. So

9 E.g., Burnett Bolloten, *The Spanish Civil War: Revolution and Counterrevolution* (Chapel Hill, NC: University of North Carolina Press, 1991); Pierre Broué & Emile Témime, *The Revolution and the Civil War in Spain*, trans. Tom White (Cambridge, MA: MIT Press, 1972).

let's subtract another 23 pages: that leaves 102 pages of possible anarchism. The next text, "Language and Freedom" (1970) — 16 pages — does not refer to anarchism. We are down to 86 pages of possible anarchism.

Of the eleven texts in this book, five are interviews, which take up about 72 pages. In most of these interviews, Chomsky isn't asked about anarchism. He is usually asked the same questions, to which he naturally provides the same answers, since he has never changed his mind about anything.¹⁰ What little content there is in all these repetitive interviews could, in my estimation, be condensed to about 20 or 25 pages. That would reduce the anarchism in *Chomsky on Anarchism* to 66–71 pages. That reduces Chomsky's 35 years of anarchist writing to enough material for a pamphlet. I'm not as prolific a writer as Chomsky, but, I could write 70 pages on anarchism, not in 35 years, but in 35 days. And I have, in fact, done so.

Since Chomsky and his publisher obviously had to scramble to find enough Chomsky anarchism to fill a book, it's interesting to notice one published interview which is left out. It was conducted in 1991 by Jason McQuinn, then the editor and publisher of *Anarchy: A Journal of Desire Armed*. That journal was (and is) open to unorthodox anarchisms: situationist-influenced, queer-influenced, egoist-influenced, green,

10 "His fundamental values have remained virtually unchanged since childhood." Robert F. Barsky, *Noam Chomsky: A Life of Dissent* (Cambridge & London: MIT Press, 1997), 95. His political opinions too haven't basically changed since he was 12. Rai, *Chomsky's Politics*, 8. These authors are effusively pro-Chomsky. Rai co-authored a book with Chomsky, *War Plan Iraq*.

sex-radical, primitivist, anti-work, insurrectionary, post-left anarchist (myself included) and more. It was painfully obvious that Chomsky was ignorant of, or contemptuous toward, all of this — often both — although these anarchists tried hard to draw him into a dialog. They didn't want to believe what an asshole Chomsky is. But actually, the arrogance and impatience which Chomsky exhibited there also runs through all the interviews that AK Press did publish. It also regularly surfaces in his professional polemics against recalcitrant linguists and philosophers, but I won't be going into that.

Jason McQuinn recently provided me with a copy of the interview, which took place in Columbia, Missouri, when Chomsky had a speaking engagement at the university there. It was conducted by four members of the Columbia Anarchist League.¹¹ Chomsky could only be bothered to talk to these fellow anarchists for five minutes. McQuinn asked Chomsky if he kept up with the contemporary American anarchist press. Chomsky claimed to subscribe to most of it, “more out of duty than anything else I guess.”¹² That doesn't sound like a man who is interested in, or open-minded about contemporary anarchism. Acting out of duty instead of acting out of desire is inherently counter-revolutionary, but, as we shall see, that is fundamental to Chomsky's stoic anarchist vision.

This interview does, however, expose, in Chomsky's offhand remarks, his mindless, absolutely

11 Letter, Jason McQuinn to Bob Black, July 5, 2012. The published version is no longer available.

12 Ibid., 2.

uncritical opinion of modern industrial civilization. Even many liberals were then, and since, worried about aspects of modern industrial civilization—but not Chomsky.

Here is Chomsky exercising his brilliant mind:

Civilization has many aspects, it doesn't mean anything to be for or against it.

Well, to the extent that civilization is oppression, sure, you're against it. But then the same is true of any other social structure. You're also against oppression there.

But how can you give a criticism of civilization as such? I mean, for example, an anarchist community is a civilization. It has culture. It has social relations. It has a lot of forms of organization. In a civilization. In fact, if it's an anarchist community it would be very highly organized, it would have traditions... changed traditions [“changed traditions”?]. It would have creative activities. In what way isn't that civilization?¹³

It so happens that there are answers to these would-be rhetorical questions.

Chomsky must be absolutely ignorant of the reality that human beings lived in anarchist societies for about two million years before the first state arose about 6,000 years ago, in Sumer. Some anarchist

13 Ibid., 2.

societies existed until very recently.¹⁴ Anarchism wasn't first attempted in practice, as Chomsky supposes, in Ukraine in 1918 or in Catalonia in 1936. It was the way humans lived for two million years, as also did our primate relatives, such as apes and monkeys. Our primate ancestors lived in societies, and our closest primate relatives still live in societies. Some primates now living also have "culture," if culture encompasses learning, innovation, demonstration and imitation.¹⁵ Chomsky might acknowledge that, but dismiss it, since for him, what is distinctive about humans is language, not culture. It is claimed that some primates can be taught the rudiments of language, a possibility Chomsky rejects, not because the evidence is insufficient (possibly it is), but because it disproves his linguistic theory.¹⁶ One of the best known of these primates was named Nim Chimsky.¹⁷

The anatomically modern humans of the last 90,000 years or so had their "creative activities." There are cave paintings in France and Spain, attributed to the Cro-Magnons, datable to maybe 40,000

14 See, e.g., Harold Barclay, *People Without Government: An Anthropology of Anarchism* (London: Kahn & Averill with Cienfuegos Press, 1982); Pierre Clastres, *Society Against the State* (New York: Urizen, 1977); James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* ((New Haven, CT & London: Yale University Press, 2009); *Tribes Without Rulers*, ed. John Middleton & David Tait (London: Routledge & Kegan Paul, 1958).

15 F.B.M. de Waal, *The Ape and the Sushi Master: Reflections by a Primatologist* (New York: Basic Books, 1981).

16 Chomsky, *Reflections on Language*, 40.

17 Elizabeth Hess, *Nim Chimsky: The Chimpanzee Who Would Be Human* (New York: Bantam Books, 2008).

years ago. There are also rock paintings in southern Africa, which are at least 10,500 years old, possibly 19,000–27,000 years old, which continued to be done into the nineteenth century, by the Bushmen (now called the San).¹⁸ I would like to think that Chomsky would accept these artifacts as evidence of culture, and he does,¹⁹ but in the interview he implies that there is no creativity outside of civilization. He doesn't know anything about prehistoric humans. When he cites examples of pre-technological societies, he refers to the mythology of the Old Testament!²⁰

When he refers to peasants—as he did in talking (down) to the Columbia anarchists—he told them: “Peasant societies can be quite vicious and murderous and destructive, both in their internal relations and in their relations with one another.”²¹ And this is the guy who has cheered on every violent Third World national liberation movement, every leftist gang with a peasant base and Marxist intellectuals for leaders—the Vietcong, the Khmer Rouge, the Sandinistas, etc.—every one which has come along in the

18 David Coulson & Alec Campbell, *African Rock Art: Paintings and Engravings on Stone* (New York: Harry N. Abrams, 2001), 6.

19 Noam Chomsky, “The Place of Language in the Mind,” *The Science of Mind: Interviews with James McGilvray* (Cambridge: Cambridge University Press, 2012), 70.

20 Letter, Jason McQuinn to Bob Black, 2. Even the Old Testament tells a story about the Israelites imploring Samuel to make them a king, which he did, “but the thing displeased Samuel,” which is understandable. *I Sam.* 8:6 (KJV). Samuel went on to tell them what evils they were getting themselves in for in acquiring a state like any other state, in eloquent words which are up there with the finest of anarchist rhetoric.

21 Interview, 2.

last fifty years! He likes *their* peasant violence, when it is controlled by Marxist intellectuals like himself. But that peasants should engage in violence autonomously, in their own collective interest and in nobody else's, well, *then* they are vicious, murderous barbarians.²²

However, culture is not “civilization,” except in the German language (*Kultur*). Before civilization—and after—there were anarchist societies of various degrees of complexity: band societies based on hunting and gathering; tribal societies (horticultural, agricultural or pastoral); chiefdoms and autonomous village communities (agricultural). A civilization is basically an economically differentiated but politically administered, urban-dominated society. Civilization is urban-dominated society with class divisions and subject to the state (and sooner or later blessed with add-ons such as writing, standing armies, the subordination of women, and hierarchic religion controlled by a priesthood). Society long preceded civilization. Culture long preceded civilization. If we accomplish

22 Chomsky doesn't even know what peasants are. He further lectured the Columbia anarchists: “For example, there were thousands of year[s] of peasant societies before the formation of city-states, before the invention of writing and so on. . . . There are peasant societies that go back seven or eight thousand years, to the beginnings of agriculture.” Interview, 2. By definition, peasants are cultivators who are subject to states. Eric R. Wolf, *Peasants* (Englewood Cliffs, NJ: Prentice-Hall, 1966), 3-4, 9-10. There are no peasants independent of civilization, just as—until recently—there were no civilizations not dependent on peasants. Neolithic farmers lived in autonomous (anarchist) village communities, in Mesopotamia and elsewhere, for several thousand years before states and civilizations occasionally emerged from one or more of them. Marshall D. Sahlins, *Tribesmen* (Englewood Cliffs, NJ: Prentice-Hall, 1968), 2-3.

the creation of anarchist communities, they will be societies and they will have culture. According to Chomsky, “an anarchist community is a civilization.”²³ But it might *not* be a civilization.²⁴ To say that it will be, is to beg the question. Anarchist societies might be better than civilization. In fact, an anarchist civilization is by definition impossible: “The *state* differentiates civilization from tribal society.”²⁵ .

Whether neo-anarchist communities or societies would be “highly organized” (133), which is Chomsky’s fond wish, nobody knows, not even Chomsky. But an authoritarian like him wants the anarchist society to be highly organized, just like the existing society is, except that in the new order the workers and other people (if any other people are tolerated) had better attend a lot of meetings if they know what’s good for them. This is not obviously an improvement on the status quo.²⁶

Chomsky says: “I was attracted to anarchism as a young teenager, as soon as I began to think about the world beyond a pretty narrow range, and haven’t seen much reason to revise those early attitudes since.” (178) In other words, in the 1930s he was imprinted with left-wing anarchism, in the same way that a very young duckling will follow around a human being, or a bag of rags, instead of its mother, if exposed to it first. It would have been better if he discovered girls

23 Letter, Jason McQuinn to Bob Black, 2.

24 Bob Black, *Nightmares of Reason*, and Bob Black, “More Modesty All Around,” both available at theanarchistlibrary.org.

25 Sahlin, *Tribesmen*, 5 (emphasis added).

26 Bob Black, *Debunking Democracy* (Berkeley, CA: C.A.L Press, 2011), 10-11 & *passim*.

before he discovered anarchism. Had he read something else first, Chomsky might have become a life-long Leninist or Catholic instead. He encountered anarchism at the worst time in all its history, when, outside of Spain—where it would shortly be annihilated—it had lost its connection to the working class. In that decade its famous elderly leaders died off (Errico Malatesta, Nestor Makhno, Emma Goldman, Alexander Berkman, Benjamin Tucker, etc.)—although Chomsky never mentions any of them.

Most anarchists were then old men—or sometimes younger men who thought like old men—who cherished anarchism as an ideology with established, comforting dogmas, and with a hagiography of martyred saints and heroes. Chomsky is profoundly mistaken if he believes that he is thinking about the world “beyond a pretty narrow range” when he thinks about the world in terms of a version of anarchism which was already archaic when he chanced upon it. He is still following around a bag of rags.

It is evident from *Chomsky on Anarchism* that Chomsky’s acquaintance with anarchist history and theory is extremely limited. He never cites any anarchist thinker who is more recent than Rudolf Rocker, whose significant books, *Anarcho-Syndicalism* and *Nationalism and Culture*, were published in 1938.²⁷ Chomsky himself wrote a brief Preface for a 1989 reprint of the former book—why was it omitted from *Chomsky on Anarchism*?—in which he relates that he discovered the book in a university library shortly af-

27 *Anarcho-Syndicalism* (London: Martin Secker & Warburg Ltd., 1938); *Nationalism and Culture*, trans. Ray E. Chase (Los Angeles, CA: Rocker Publications Committee, 1938).

ter World War II.²⁸ Chomsky has referred to Rocker as “the last serious thinker.”²⁹

There is no reason to think that Chomsky has read any book by any anarchist author now living, not even the orthodox leftist ones sometimes published, as he is, by AK Press.³⁰ There is no reason to think that he has read any of the anarchists who began to revive anarchism in the English-speaking world, if only as an intellectual current, from the 1940s into the 1960s: Herbert Read, George Woodcock, Alex Comfort, Kenneth Rexroth, Colin Ward, Albert Meltzer, Stuart Christie, Paul Goodman, Nicholas Walter, Sam Dolgoff, etc.

However, Chomsky is also but slightly acquainted with the classical anarchists in the canon. Over and over again he repeats the same few quotations from the same few authors: Rudolf Rocker, Michael Bakunin, and Wilhelm von Humboldt (not an anarchist: but a Chomsky favorite because Chomsky fancies that Baron von Humboldt anticipated his own linguistic theory). He mentions Kropotkin once, but only to drop the name. He mentions Proudhon once, but only on the subject of property, not with reference to his anarchism or federalism or mutualism.

28 Noam Chomsky, “Preface” to Rudolf Rocker, *Anarcho-Syndicalism* (London: Pluto Press, 1989), vi.

29 Quoted in Peter Marshall, *Demanding the Impossible: A History of Anarchism* (Oakland, CA: PM Press, 2010), 578.

30 Not that AK Press is really an anarchist publisher. Bob Black, “Class Struggle Social Democrats, or, The Press of Business,” *Anarchy: A Journal of Desire Armed* No. 64 (Fall/Winter 2007): 26–29, available online at theanarchistlibrary.org. Neither is its spinoff, PM Press.

Chomsky never mentions William Godwin, Henry David Thoreau, Benjamin Tucker, Errico Malatesta, Lysander Spooner, Emma Goldman, Leo Tolstoy, Stephen Pearl Andrews, Elisee Reclus, James L. Walker, Emile Armand, Alex Comfort, Sam Dolgoff, Ricardo Flores Magon, Voltairine de Cleyre, Albert Parsons, Gustav Landauer, Emile Pataud, Peter Arshinov, Paul Goodman, James Guillaume, Albert Meltzer, Dorothy Day, Emile Pouget, George Woodcock, Emma Goldman, Octave Mirbeau, Enrico Arrigoni, Ammon Hennacy, John Henry Mackay, Renzo Novatore, Josiah Warren, Alexander Berkman, Jo Labadie, Voline, Luigi Galleani, Robert Paul Wolff, Alfredo Bonanno, Herbert Read, Gregory Maximoff, Pa Chin, or Francisco Ferrer or any other Spanish anarchist.

This is not intended as a required reading list.³¹ I would not expect someone who is not (as Chomsky modestly admits) really an anarchist thinker to be as well-read in anarchism as someone who really is an anarchist thinker. Nor is wide reading necessary to understand the anarchist idea. Godwin and Proudhon, after all, had no anarchist thinkers to learn their

31 So far, I've resisted the temptation, and the suggestions of some friends, that I draw up such a list. One reason for my reluctance is that, if the objective is to suggest books that I'd like anarchists to read, I'd want to include authors who didn't call themselves anarchists, although I consider them anarchists (such as Godwin, Fourier, Stirner, Thoreau and Tolstoy), but also authors such as Friedrich Nietzsche, William Morris, Oscar Wilde, Robert Michels, Karl Kraus, Theodor Adorno, Walter Benjamin, Guy Debord, Raoul Vaneigem, and Ivan Illich. I would also want to include some texts by historians and anthropologists, such as Marshall Sahlins and Richard Borshay Lee—but, you get the idea.

anarchism from, but they remain to this day among its foremost expositors.³² But anyone who thinks that anarchist thought started with Proudhon or Bakunin, and was complete and available for restatement by Rudolf Rocker, is bound to have a conception of anarchism which is, at best, outdated, narrow and impoverished, and at worst, radically wrong.

When Chomsky does discuss earlier anarchist thinkers, he only exhibits his ignorance and left-wing prejudices. He refers to Max Stirner as an influence on the American believers in laissez-faire economics (235)—the people who have bought or stolen, in the United States, the name “libertarian” which originally referred, and properly only refers, to anarchists. I have detected no trace of this influence. Stirner rejected free competition.³³ Few right-wing libertarians are aware of the role of individualist anarchists such as Benjamin Tucker and Joseph Labadie in keeping alive some of the theoretical underpinnings of their ideology.³⁴ Stirner played no such role.

Chomsky’s “Notes on Anarchism” (118–32) first appeared as an introduction to Daniel Guérin’s *Anarchism*.³⁵ Guérin, an ex-Marxist, understands anar-

32 I am assuming that Proudhon, who did not know English, was unfamiliar with Godwin, whom he never mentions, as far as I know. By Proudhon’s time, Godwin was forgotten even in Britain.

33 Max Stirner, *The Ego and Its Own*, ed. David Leopold (Cambridge: Cambridge University Press, 1995), 232–33.

34 Carlotta R. Anderson, *All-American Anarchist: Joseph A. Labadie and the Labor Movement* (Detroit, MI: Wayne State University Press, 1998), 253.

35 Noam Chomsky, “Introduction” to Guérin, *Anarchism: From Theory to Practice*, vii–xx.

chism—as does Chomsky³⁶—in the most Marxist possible way, considering that these theories are irreconcilable. And yet, in a short book which Chomsky—I would hope—read before he wrote an introduction for it, Guérin devoted four pages to a sympathetic exposition of Stirner's ideas and their place in a full-bodied anarchist theory. Guérin went on—this should have scandalized Chomsky—to relate the ideas of Stirner to the ideas of Chomsky's beloved Bakunin.³⁷ There is *absolutely nothing* in Stirner which espouses capitalism or the free market. But there is something fundamentally important which

36 George Woodcock, the author of the best English-language history of anarchism—*Anarchism: A History of Libertarian Ideas and Movements* (Cleveland, OH: Meridian Press, 1962)—maintained that Chomsky is really “a leftwing Marxist (like Guérin) who wished to use anarchism to soften and clarify his own Marxism.” (7) Woodcock levelled “the charge that against Noam Chomsky and Daniel Guérin, accusing both men of selecting ‘from anarchism those elements that may serve to diminish the contradictions in Marxist doctrines’ and ‘abandoning the elements that do not serve their purpose.’” Ruth Kinnah, *Anarchism: A Beginner's Guide* (Oxford, England: Oneworld Publications, 2005), 25, quoting George Woodcock, “Chomsky's Anarchism,” in *Anarchism and Anarchists* (Kingston, Ontario, Canada: Quarry Press, 1992), 228. As I will discuss later, Woodcock is absolutely right. Predictably, a Chomsky leftist toady sneers: “This is a good example of what might be termed the doctrinal approach to anarchism, perhaps also the dominant approach.” Rai, *Chomsky's Anarchism*, 95. There is no indication in his book (he is otherwise unknown) that Rai is an anarchist or knows anything about anarchism except gleanings from Chomsky, who also knows very little about anarchism, and certainly a lot less than Woodcock did. What Rai calls “the doctrinal approach to anarchism,” is what anarchists call “anarchism.”

37 Guérin, *Anarchism*, 27–33.

Chomsky shares with the free-market libertarians, something to which Stirner is implacably opposed: the idea of natural rights. Chomsky fervently believes in them. (173) According to Stirner, “men have no right at all by nature.”³⁸

I will return to this matter of natural rights later, because of its intrinsic importance. For now, my point is simply that Chomsky is dead wrong about which of them, he or Stirner, is in bed with the pro-capitalist libertarians. There is also the irony that Chomsky frequently quotes or cites Baron Wilhelm von Humboldt. This Prussian aristocrat and bureaucrat advocated—not anarchism—but the same minimal state, the same nightwatchman state, “extreme *laissez-faire*,”³⁹ as the right-wing libertarians now do.

Chomsky is aware that von Humboldt prudently left this text for posthumous publication; and that its author was the designer of the authoritarian Prussian state education system; and that he was in the Prussian delegation to the Congress of Vienna of 1815 (which tried to restore Europe as it was before the French Revolution). He must know this, since the information is in the introduction to the von Humboldt book that he quotes from. But Chomsky has obviously never read Stirner, and so he has no business discussing or disparaging him. Baron von Humboldt was very explicit about his own political ideal: “the State is to abstain from all solicitude for the positive

38 Stirner, *Ego and Its Own*, 168.

39 J.W. Burrow, “Editor’s Introduction” to Wilhelm von Humboldt, *The Limits of State Action*, ed. J.W. Burrow (Oxford: at the University Press, 1969), xxxiv–xxxv. As a boy, von Humboldt studied Adam Smith. *Ibid.*, xxvi.

welfare of the citizens, and not to proceed a step further than necessary for their mutual security and protection against foreign enemies; for with no other object should it impose restrictions on freedom.”⁴⁰

Chomsky’s other attempt to discuss a much more important radical thinker — Charles Fourier — is an even worse travesty. He includes a reference to (Fourier, 1848), without later providing that reference. (124) Fourier died in 1837. I don’t know if anything by Fourier was published or republished in 1848. What I do know is that Fourier would never have said the things that Chomsky says that he said. Fourier was *not* an advocate of proletarian revolution, or of any revolution: he was an advocate of radical social reconstruction. He never used leftist, Politically Correct clichés like “emancipatory.” Chomsky claims that Fourier was concerned about some “imminent danger to civilization.” (124) Fourier was the avowed *enemy* of civilization, a word he used as a term of abuse. He looked forward to its imminent *demise*: “Civilization does indeed become more hateful as it nears its end.”⁴¹

I was frankly baffled, knowing something about Fourier, how Chomsky could quote Fourier as speaking of “the third and emancipatory phase” of history. This wasn’t Fourier at all. It was Victor Considerant, a Fourier disciple who, as disciples usually do, betrayed

40 von Humboldt, *The Limits of State Action*, 33 (italics removed).

41 Charles Fourier, *The Theory of the Four Movements*, ed. Gareth Stedman Jones & James Ian Patterson (Cambridge: Cambridge University Press, 1996), 104.

the master.⁴² Chomsky has never read Fourier. I'll be discussing Fourier a little later, in connection with Chomsky's belief in an innate, universal, immutable "human nature."

After reading a lot of Chomsky, and after reading a lot about Chomsky, I've decided to debunk his philosophy of language, in addition to as his concept of human nature, his political blueprint, and his political activity (such as voting). I am doing this reluctantly, because I don't understand Chomskyist linguistic theory, and because I regret how much all this will lengthen my review. However, I don't think that I have to understand the profundities of Chomsky's universal grammar in order to recognize its untenable intellectual underpinnings and its authoritarian political implications.

Language and Freedom

Noam Chomsky is widely believed to be the hegemonic theorist of linguistics. His publisher leaves that impression, in order to magnify the importance of its celebrity author, who is described on the back cover as "the father of modern linguistics." That title

42 Martin Buber, *Paths in Utopia*, trans. R.F.C.Hall (Boston, MA: Beacon Hill Press, 1958), 18-19. "Considerant suggests a Christian socialist approach, one of his emendations of Fourier." He reduced Fourier's system to its economic aspects, adding Christianity and subtracting the radical feminism and the sexual freedom. Joan Roelofs, "Translator's Introduction" to Victor Considerant, *Principles of Socialism: Manifesto of 19th Century Democracy*, trans Joan Roelofs (Washington, D.C.: Maisonneuve Press, 2006), 20.

properly belongs to Ferdinand de Saussure.⁴³ But the accolade does reflect Chomsky's stature as of, say, 1972. It is no longer correct.⁴⁴ Chomsky's linguistic theory has come under severe attack from other linguists.⁴⁵ An entirely different theory, Cognitive Linguistics (CL), seems to be gradually displacing it. I am only somewhat interested in Cognitive Linguistics, although it does have the merit of being empirical and somewhat understandable, unlike Chomsky's abstract deductive theory. CL also assigns central importance to meaning, which Chomsky has always slighted. As far as I can tell, Chomsky has never acknowledged CL's existence.⁴⁶ It isn't just anarchists who get the silent treatment from Chomsky.

It isn't easy to summarize Chomskyist linguistics, and I won't try. The main point of interest, for my purposes, is that Chomsky believes that language originates in something biological, not cultural. It is not really learned, it is "acquired."⁴⁷ He admits that language cannot be acquired by very young children unless they are exposed to it at an early enough age,

43 Jonathan Culler, *Ferdinand de Saussure* (Harmondsworth, Middlesex, England: Penguin Books, 1977), 83.

44 David Lee, *Cognitive Linguistics: An Introduction* (Oxford & New York: Oxford University Press, 2001), 1.

45 E.g. Pieter A.M. Seuren, *Chomsky's Minimalism* (Oxford: Oxford University Press, 2004).

46 In 2004, his discussion of the previous twenty years of developments in linguistics made no mention of cognitive linguistics. Noam Chomsky, *The Generative Enterprise Revisited* (Berlin, Germany & New York: Mouton de Gruyter, 2004), 147-169.

47 Chomsky, *Powers & Prospects*, 13.

so as to “activate a system of innate ideas,”⁴⁸ just like those imprinted ducklings who, not knowing any better, followed around bags of rags. But this, he explains, is a process of maturation, not learning.⁴⁹ Experience merely pushes the button that turns on the language mechanism. Language isn’t learned: it grows.⁵⁰

He makes the point vividly: “So, if someone were to propose that a child undergoes puberty because of peer pressure . . . people would regard that as ridiculous. But it is no more ridiculous than the belief that the growth of language is the result of experience.”⁵¹ He overlooks at least one difference. For language acquisition, a social experience—exposure to speech—is necessary. But for puberty, exposure to pubescent people is not necessary. Not unless you think the reason why Peter Pan never grew up is because Never-Neverland is populated exclusively by children.

Chomsky often refers to language as a “faculty” like vision, and as something which is acquired in the

48 Noam Chomsky, *Problems of Knowledge and Freedom* (New York: Pantheon Books, 1971), 17.

49 “It seems now reasonably established”—to Chomsky’s satisfaction—“that there is a special component of the human brain (call it ‘the language faculty’) that is specifically dedicated to language.” It grows in early life by the process of language acquisition, “sometimes misleadingly called ‘language learning’; the process seems to bear little resemblance to what is called ‘learning.’” Chomsky, *Powers & Prospects*, 13.

50 Noam Chomsky, *The Architecture of Language*, ed. Nirmalandshu Mukerji, Bibudhendra Narayan Patnaik, & Rama Kant Agnihotri (Oxford & New York: Oxford University Press, 2000), 6.

51 *Ibid.*, 7.

same way.⁵² But even this so-called faculty of vision is shaped by culture. In different cultures, for example, people perceive anywhere from two to eleven colors: “It is not, then, that color terms have their meanings imposed by the constraints of human and physical nature, as some have suggested; it is that they take on such constraints insofar as they are meaningful.”⁵³ Among the Hanunóo in the Philippines, color terms refer, not to positions on the spectrum, but to intensity.⁵⁴ Vision is natural, but perception is cultural.

According to Chomsky, linguistics is—not one of the social or cultural or (this is for Chomsky a dirty word) “behavioral” studies⁵⁵—it is a branch of biology of which biologists are inexplicably unaware. Thus he often speaks of the language faculty as an “organ” like the heart or liver. He reasons that the mind is “more or less analogous to the body”; the body “is basically a complex of organs”; *ergo*, the language thing is a mental organ.⁵⁶ Analogies, however, are only “a condiment to argument . . . but they are

52 Chomsky, *Reflections on Language*, 8–9; Chomsky, *Architecture of Language*, 4, 55–56.

53 Marshall Sahlins, *The Use and Abuse of Biology: An Anthropological Critique of Sociobiology* (Ann Arbor, MI: University of Michigan Press, 1976), 66–67.

54 Harold C. Conklin, “Hanunóo Color Categories,” *Southwest Journal of Anthropology* 11(4) (1955): 339–344, available online at www.anthro.ucsd.edu/~nj.haviland/

55 Chomsky, “On the Intellectual Ailments of Some Scientists,” *Science of Linguistics*, 66–67.

56 Noam Chomsky & Sol Laporta, “An Interview with Noam Chomsky,” *Linguistic Analysis* (4) (1978), 308.

not the argument itself.”⁵⁷ The occult, self-standing, modular language organ or faculty is located in some unknown area of the brain.⁵⁸ To speak of language as an organ is, he admits, to speak metaphorically,⁵⁹ but he usually doesn’t say so. The task of the “neurologist,” he says, “is to discover the mechanisms involved in linguistic competence.”⁶⁰ No biologist has identified or located the language organ. Neurobiologists will find the language organ on the same day that archaeologists find Noah’s Ark.

As two of Chomsky’s disciples admit, brain scientists almost completely ignore the findings of generative grammar.⁶¹ But that’s okay: according to Chomsky, in the brain sciences “there is not much in the way of general theoretical content, as far as I am aware. They are much more rudimentary than physics was in the 1920s. Who knows if they’re even looking at the right things?”⁶² Similarly, “physics deals

57 E.P. Thompson, *The Poverty of Theory* (new ed.; London: Merlin Press, 1995), 139–40.

58 Chomsky & Laporta, “An Interview with Noam Chomsky,” 308.

59 Noam Chomsky, “Discussion,” in *Language and Learning: The Debate Between Jean Piaget and Noam Chomsky*, ed. Massimo Piatelli-Palmarini (Cambridge: Harvard University Press, 1980), 76.

60 Chomsky, *Reflections on Language* (New York: Pantheon Books, 1975), 91. Chomsky doesn’t know that a neurologist is a physician, not a research scientist.

61 Naoki Fukui & Mihoko Zushe, “Introduction” to Chomsky, *Generative Enterprise Revisited*, 21.

62 Chomsky, *Generative Enterprise Revisited*, 182–83. Earlier, in 1995, he put it this way: “Perhaps the contemporary brain sciences do not yet have the right way of looking at the brain and its function, . . .” Chomsky, “Language and Thought,” 18. Of

with very simple things. Remember physics has an advantage that no other field has: If something gets too complicated, physics hands it over to somebody else.”⁶³ In other words, universal grammar is *more scientific* than neurobiology, and *more complicated* than physics. Noam Chomsky to Stephen Hawking: “Eat my dust!”

Since the language faculty is the same for everyone, the diversity of languages is of no interest to linguistics. The differences among languages “are quite superficial”⁶⁴: “all languages must be close to identical, largely fixed by the initial state.”⁶⁵ In a very real sense, there is only one language.⁶⁶ And that makes Chomsky’s job much easier. If he has demonstrated, to his own satisfaction, the validity of some transformational principle for one language, and there is no reason to believe that it is not learned, he assumes he has identified a universal property of all languages—so why bother to test it against other languages?⁶⁷ And that’s

course, that must be it! The much harsher judgment of 2006 evidently reflects Chomsky’s growing impatience and peevishness with sciences which perversely fail to confirm his theories.

63 Chomsky, *Generative Enterprise Revisited*, 174; see also Chomsky, “Language & Nature,” *Powers & Prospects*, 34–35.

64 Chomsky, *Architecture of Language*, 15.

65 Noam Chomsky, *New Horizons in the Study of Language and Mind*, ed. Neil Smith (Cambridge: Cambridge University Press, 2000), 122.

66 Chomsky, “Language and Thought,” *Powers & Prospects*, 27.

67 Chomsky, *Reflections on Language*, 118. “There had to be at most slight differences among [languages] or else the acquisition problem is unsolvable.” Chomsky, *Generative Enterprise Revisited*, 148. And since Chomsky has solved the language acquisition problem, it follows that languages differ, at most, slightly!

a lucky break for Chomsky, because, as he says, “the reason I don’t work on other languages is that I don’t know any very well, it’s as simple as that.”⁶⁸

For nearly everybody, language is understood to be fundamentally interpersonal (social and cultural): it is about *communication*. But not for Chomsky! He’s too smart to acknowledge the obvious. Language is a social phenomenon made possible by a system of interpersonal conventions.⁶⁹ One would suppose that, whatever else linguistics might be about, inasmuch as it is about language, it’s about meaning. That’s what language is *for*, except for Chomsky. Indeed, he thinks language is poorly designed for communication, but, we manage to scrape by with it.⁷⁰ But Chomsky’s theories are only about “transformational” grammar and syntax (grammar and syntax are not, as other linguists understand these words, the same thing, but for Chomsky they are⁷¹): they are not

Chomsky is much better at begging questions than answering them.

68 Chomsky, *Generative Enterprise Revisited*, 107; see also Chomsky, *Reflections on Language*, 118.

69 Culler, *Ferdinand de Saussure*, 49.

70 Noam Chomsky, “Perfection and Design (Interview 20 January 2009),” *The Science of Language: Interviews with James McGilvray* (Cambridge: Cambridge University Press, 2012), 50.

71 John R. Taylor, “Cognitive Linguistics and Autonomous Linguistics,” in *The Oxford Handbook of Cognitive Linguistics*, ed. Dirk Geeraerts & Hubert Cuyckens (Oxford: Oxford University Press, 2007), 572; George Lakoff & Mark Johnson, *Philosophy in the Flesh: The Embodied Mind and Its Challenge to Western Thought* (New York: Basic Books, 1999), 473, 476–77.

about semantics—meaning.⁷² We are, according to Chomsky, “in pretty much the same state of unclarity with regard to meaning as we are with regard to intuition.”⁷³ When, in the 1970s, some of his disciples tried to develop a transformational semantics, Chomsky repudiated them.⁷⁴ A nasty academic spat ensued.

But then language, for Chomsky, isn’t essentially a means of communication. Instead, it’s for the expression of Thought.⁷⁵ He states: “If semantics is meant by the tradition (say Peirce or Frege or somebody like that), that is, if semantics is the relation between sound and thing, it may not exist.”⁷⁶ Chomsky is not really interested in language, except for using it to fathom the mysteries of the human mind.⁷⁷

Where did this extraordinary “faculty” come from? Maybe from outer space—something like the

72 John R. Searle, “Chomsky’s Revolution in Linguistics,” *N.Y. Rev. of Books*, June 29, 1972, reprinted in *On Noam Chomsky: Critical Essays*, ed. Gilbert Harmon (Garden City, NY: Anchor Books, 1974), 2–33, also available at www.chomsky.com.; Taylor, “Cognitive Linguistics,” 573.

73 Noam Chomsky, *The Logical Structure of Linguistic Theory* (New York & London: Plenum Press, 1975), 87.

74 “It was in the 1970s that Chomsky put paid to the Generative Semantics movement, after which he propelled the generative enterprise toward ever greater levels of abstraction and empirical restrictiveness.” Taylor, “Cognitive Linguistics,” 569. Some of these linguists, such as George Lakoff, went on to invent cognitive linguistics. For an account of the fiercely fought controversy, see Randy Allen Harris, *The Linguistics Wars* (New York & Oxford: Oxford University Press, 1993). This was an Oedipal revolt which the father repressed.

75 Chomsky, *Reflections on Language*, 56–57.

76 Chomsky, *Architecture of Language*, 73.

77 Chomsky, *Problems of Knowledge and Freedom*, 46.

brain-ray that zapped the ape at the beginning of the film *2001: A Space Odyssey*. Or as Chomsky puts it: “To tell a fairy tale about it, it is almost as if there was some higher primate wandering around a long time ago and some random mutation took place, maybe after some strange cosmic ray shower, and it reorganized the brain, implanting a language organ in an otherwise primate brain. That is a story, not to be taken literally.”⁷⁸ It certainly is a fairy tale, but it’s the only tale Chomsky has to tell about the origin of the supposed language faculty, or organ. One might, diffidently, suggest evolution, but that, standing alone, is only a label, a conclusion, not an explanation—and besides, “there isn’t much in the way of evolutionary theory.”⁷⁹ According to Piaget,

this mutation particular to the human species would be biologically inexplicable; it is already very difficult to see why the randomness of mutations renders a human being able

78 Chomsky, *Architecture of Language*, 4. “For Chomsky,” as one of his followers explains, “the science of language is an objective natural science that treats language as a biologically based system that evolved in a single individual and was genetically transmitted to progeny.” James McGilvray, “Introduction” to Chomsky, *Science of Language*, 2. Even if this happened to some single primate brain, or to more than one, it would explain nothing about language acquisition, because to acquire a language, one must be exposed to language. Because none of these primates was speaking a language already, the mutant primates would never hear language, and their language organs could never be activated.

79 Chomsky, *Generative Enterprise Revisited*, 178. B.F Skinner, says Chomsky, is correct that the logic of behaviorism is very similar to the logic of evolution—similarly wrong. Chomsky, “Chomsky’s Intellectual Contributions,” *Science of Language*, 76.

to “learn” an articulate language, and if in addition one had to attribute to it the innateness of a rational linguistic structure, then this structure would itself be subject to a random origin and would make of reason a collection of mere “working hypotheses,” in the sense of [Konrad] Lorenz.⁸⁰

It wasn’t unfair of one of Chomsky’s critics to call him a creationist. God said, Let there be speech! And there was speech. And God heard the speech. And He heard that it was good.⁸¹

For Chomsky, the problem for which the language organ is the solution is the, to him, seemingly miraculous way in which all children learn a language at a very early age. The quality and quantity of the speech to which they are haphazardly exposed is so low (he speaks of “the degenerate quality and narrowly limited extent of the available data”⁸² — degenerated from *what?*) that children could not possibly learn a language through experience, as was generally supposed before Chomsky. Children don’t learn language, they “acquire” it because, in a fundamental sense, they know it already.

Chomsky explains a miracle by another miracle. Or by a tautology (knowledge is derived

80 Jean Piaget, “The Psychogenesis of Knowledge and Its Epistemological Significance,” *Language and Learning*, 31.

81 God had second thoughts, however, when men, after talking it over, began to build a stairway to heaven, the Tower of Babel. He then imposed a multiplicity of languages on them (72, to be precise) and scattered them all over the earth. *Genesis* 11: 1-9.

82 Quoted in Rafael Salkie, *The Chomsky Update* (London: Unwin Hyman, 1990), 38, as quoted in Rai, *Chomsky’s Politics*, 4.

from—knowledge). He once wrote that, “miracles aside,” it just must be true that the child’s rapid acquisition of language is based on something innate.⁸³ But he hasn’t set the miracle aside. He can’t do without it. Chomsky has never displayed much serious knowledge of, or interest in developmental psychology, as was apparent from his 1975 debate with Jean Piaget, any more than he evidences any knowledge of neurobiology. These sciences just *have to* support his theory, because his theory is true. Psychologists were at first excited by Chomsky’s transformational/generative grammar, at a time when it seemed that it might have semantic implications, but they soon concluded that its promise was illusory. It was the same for educators.⁸⁴ Usually, scientific knowledge sooner or later has practical applications. Chomsky’s linguistics has none.

Rudolf Rocker, whom Chomsky has called the last serious thinker, contended that speech is no purely personal affair, but rather, a mirror of man’s natural environment as mediated by social relations. The social character of thought, as of speech, is undeniable.⁸⁵ As for the language organ, “speech is not a special organism obeying its own laws, as was formerly believed; it is the form of expression of individuals socially united.”⁸⁶ Such is the opinion of Rudolf Rocker, the last serious thinker. It is curious that

83 Chomsky, “Language & Thought,” *Powers & Prospects*, 23.

84 Allen, *Linguistics Wars*, 196–97, 215–17.

85 Rocker, *Nationalism and Culture*, 284.

86 Rocker, *Nationalism and Culture*, 283. Chomsky has to know of these statements, because he has quoted this book himself. Noam Chomsky, *Cartesian Linguistics: A Chapter in the*

Chomsky is collectivist in his politics, but individualist in his linguistics.⁸⁷ Rocker is at least consistent.

It is a truism that humans have the capacity for language, because they all do have language, and so this is a “universal” truth about us. But it is also true that all humans have the capacity for wearing clothes, because they all do wear clothes. Shall we regard that as indicative of our innate clothing-wearing capacity, and infer that we have a sartorial organ in our brains somewhere? Chomsky purports to be creating, as Rene Descartes did not, a “Cartesian linguistics.” Descartes thought that the soul was located in the pineal gland.⁸⁸ Where does Chomsky think it is?

Chomsky is obviously indifferent to evidence. He intuitively certain postulates, and he deduces his conclusions from them. He denounces empiricism, adopting instead the methodology of one of his ideological heroes, Jean-Jacques Rousseau: “Let’s begin by laying the facts aside, as they do not affect the question.”⁸⁹

History of Rationalist Thought (New York & London: Harper and Row, 1966), 24, 91 n. 50.

87 The standpoint of generative grammar “is that of individual psychology.” Noam Chomsky, *Knowledge of Language: Its Nature, Origin, and Use* (New York: Praeger, 1986), 3. The apparent disconnect between Chomsky’s science and his activist politics was noticed, disapprovingly, in the 1960s and 1970s. Harris, *Linguistics Wars*, 217–18; Dell Hymes, “Introduction: Traditions and Paradigms,” *Studies in the History of Linguistics: Traditions and Paradigms*, ed. Dell Hymes (Bloomington, IN: Indiana University Press, 1974), 21–22.

88 R.G. Collingwood, *The Idea of Nature* (London: Oxford University Press, 1960), 7.

89 Jean-Jacques Rousseau, “A Discourse on the Origins of Inequality,” in *The Social Contract and Discourses*, trans. G.D.H. Cole

True, experience is required to “activate a system of innate ideas,” but “that could hardly be regarded as ‘empiricist’ if the term is to retain any significance.”⁹⁰ Hardly. Chomsky mentions that his own theory rests on three assumptions: two of them are false and the third is implausible.⁹¹ He has said that there is “a ton of empirical evidence to support the opposite conclusion to every one I reached.”⁹² But we may lay the facts aside, as they do not affect the question. Chomsky states:

Let us define “universal grammar” (UG) as the system of principles, conditions, and rules that are elements or properties of all human languages not merely by accident but by

(New York: E.P. Dutton and Company & London: J.M. Dent and Sons, 1950), 198. This is one of Chomsky’s favorite political texts. In addition to claiming Descartes and, with more cause, von Humboldt as his forebears in linguistics—John the Baptist to his Jesus Christ—Chomsky claims *Rousseau*: “Rousseau found[ed] his critique of repressive social conditions that derive from strictly Cartesian assumptions regarding the limitations of mechanical explanation.” Noam Chomsky, *Language and Mind* (3d ed.; Cambridge: Cambridge University Press, 2006), 67. “Rousseau went on to discuss sense perception in terms not discussed by Cartesians.” Christopher Coker, “The Mandarin and the Commissar: The Political Theory of Noam Chomsky,” in *Noam Chomsky: Consensus and Controversy*, ed. Sohan Mogdill & Celia Mogdill (New York: The Falmer Press, 1987), 270.

90 Chomsky, *Problems of Knowledge and Freedom*, 17.

91 Noam Chomsky, “Language and Thought: Some Reflections on Venerable Themes,” *Powers & Prospects*, 14–15; see also Chomsky, *Architecture of Language*, 9 (where he “assumes” a proposition which, he admits, is known to be false).

92 Chomsky, *Architecture of Language*, 22–23.

necessity — of course, I mean, biological, not logical necessity. Thus UG can be taken as expressing “the essence of human language.” UG will be invariant among humans. UG will specify what language learning must achieve, if it takes place successfully.⁹³

With Chomsky it is always rules, essences and necessities.

Instead of being assignable to some single faculty or organ, language capacity implicates various capacities of the mind, such as perception. Jean Piaget’s hypothesis is “that the conditions of language are part of a vaster context, a context prepared by the various stages of sensorimotor experience.”⁹⁴ Chomskyism is inconsistent with the empirical findings about syntax. Syntax is not independent of meaning, communication, or culture. According to neuroscience, Chomsky’s idea of syntax is physically impossible, because every neural subnetwork in the brain has input from other neural subnetworks that do very different things.⁹⁵ The mind is not like the faculties of a university at all. It’s an interdisciplinary program.

But, mindful of my readers who want to know what all this has to do with Chomsky on anarchism, I draw attention to such words as *rules*, *necessity*, and *must*. In language as in politics, Chomsky believes that freedom consists of bowing to necessity and following rules. His notion of freedom as self-realization

93 Chomsky, *Reflections on Language*, 29.

94 Jean Piaget, “Schemes of Action and Language Learning,” *Language and Learning*, 167.

95 Lakoff & Johnson, *Philosophy in the Flesh*, 479–80.

or creativity is superficially attractive, although vague and incomplete, and so abstract as to be meaningless. For Chomsky, creativity “is predicated on a system of rules and forms, in part determined by intrinsic human capacities”—although he admits that he doesn’t know what those capacities are.⁹⁶ That is what Kant and possibly Hegel and von Humboldt believed, but it’s not what most anarchists believe. Chomsky’s idea of freedom has been called “the German idea of freedom,”⁹⁷ which doesn’t even look like an idea of freedom any more, not even to Germans.

Chomsky’s final version of his theory, “the minimal program,” is the most extreme in terms of its pseudo-mathematical abstraction and its detachment from the evidence of experience. Only a madman, he implies, would reject innate ideas: “To say that ‘language is not innate’ is like saying that there is no difference between my grandmother, a rock and a rabbit.”⁹⁸ The charitable way to interpret this statement is as an example of Bishop Joseph Butler’s truism: “Every thing is what it is, and not another thing.”⁹⁹

96 Chomsky, *Reflections on Language*, 133 (quoted); Noam Chomsky: *Radical Priorities*, 415–16.

97 Leonard Krieger, *The German Idea of Freedom: History of a Political Tradition* (Boston, MA: Beacon Press, 1957); see also John Dewey, *German Philosophy and Politics* (rev. ed.; New York: G.P. Putnam’s Sons, 1942) and—unwittingly—J.H. Muirhead, *German Philosophy in Relation to the War* (London: John Murray, 1915).

98 Chomsky, *Architecture of Language*, 50.

99 Joseph Butler, Preface, *Fifteen Sermons Preached at the Rolls Temple* (London: Hilliard, Gray, Litthay & Watkins, 1827), available at anglicanhistory.org/butler/rolls/preface/html.

But language—instant or not—is not the only difference between his grandmother, on the one hand, and a rabbit or a rock, on the other. And even if language is not instant, it would still distinguish Granny from the rabbit and the rock. In most respects, Granny has more in common with the rabbit than the rock. Chomsky may have a little more in common with the rock than Granny does. That was the charitable interpretation.

The uncharitable way to interpret this statement is that this is crazy talk.

Almost everybody but Chomsky is aware that the primary function (or, better: importance) of language, though not the only one, is communication (not Thought thinking about Itself), and that language is cultural, not biological. In fact, what could be more cultural? The conventional wisdom is that it is by the ability to “symbol” that humans are capable of producing culture¹⁰⁰: “Language is primarily a cultural or social product and must be understood as such.”¹⁰¹ Occasionally the conventional wisdom is right. According to Chomsky, language presupposes a generative, even computational procedure.¹⁰² But language, according to Cognitive Linguistics, may rest “on the capacity for symbolic thought rather than on an innate algebraic index.”¹⁰³

100 Leslie A. White, *The Evolution of Culture* (New York: McGraw-Hill Book Co., 1959), 1.

101 Edward Sapir, “Linguistics as a Science,” *Culture, Language and Personality: Selected Essays*, ed. David G. Mandelbaum (Berkeley, CA: University of California Press, 1956), 76.

102 Chomsky, “Language and Thought,” 13.

103 Taylor, “Cognitive Linguistics,” 578.

The concept of culture has been understood in many ways, but it always connotes an interpersonal system of shared meanings. Chomsky would rip language out of culture, although language is the heart of culture. Without it, what's left is not only incomplete, it is unintelligible. Culture is then an aggregation of unrelated activities which happen to be practiced by the same people: a thing of shreds and patches. As such, these activities cannot be explained as parts of a meaningful whole. Chomskyism reduces the social sciences to rubble, which is fine by him, since he despises them.¹⁰⁴

There's nothing left but to attribute each of these activities, too, to a discrete "faculty"—an aesthetic faculty, a religious faculty, etc. This is not to parody or misrepresent Chomsky, who believes that there exists a "science-forming faculty" (or "capability")!¹⁰⁵ Indeed, whenever he wants people to be a certain way, he just posits that they have an innate "capacity" for being that way, "some that relate to intellectual development, some that relate to moral development, some that relate to development as a member of human society, [and] some that relate to aesthetic development."¹⁰⁶ Just how many faculties are there? You don't explain anything by labeling it, any more than

104 Chomsky, "Studies of Mind and Behavior and Their Limitations," *Science of Language*, 144–46.

105 Chomsky, *Reflections on Language*, 125 ("faculty"); Noam Chomsky, "Chomsky on Human Nature and Human Understanding," *Science of Language*, 96 ("capability").

106 Noam Chomsky, *Language and Politics*, ed. Carlos P. Otero (Montreal, Quebec, Canada: Black Rose Books, 1988), 147, quoted in Rai, *Chomsky's Politics*, 101.

in the Molière play *The Imaginary Invalid*, where the quack doctors solemnly attributed the sleep-inducing efficacy of opium to its “dormitive principle.” Why not posit an anarchy-forming faculty? Because that would not go over well with Chomsky’s leftist and Third World nationalist fans.

Scholastics and Faculties

Chomsky often refers to the language capacity embedded in the brain as a “faculty.”¹⁰⁷ If the word “faculty,” in this context, is somewhat unfamiliar, that’s because, in its original meaning, it has largely disappeared from scientific discourse and ordinary language. Faculty psychology “is a model of the mind as divided into discrete ‘faculties.’”¹⁰⁸ There’s a faculty for every operation of the mind—dedicated: a one-to-one correspondence between structure and function. Faculty psychology has roots in ancient Greek philosophy, but it really flourished in the Middle Ages. For the Arab philosopher Avicenna, an Aristotelian, there were five of these “internal senses”: the common sense, the retentive imagination, the compositive imagination, the estimative power, and the recollective power.¹⁰⁹ St.

107 E.g., Chomsky, *Powers & Prospects*, 14 (an actual language is just a particular state of the language faculty).

108 Lakoff & Johnson, *Philosophy in the Flesh*, 410.

109 Anthony Kenny, *Medieval Philosophy* (Oxford: Clarendon Press, 2005), 226. The phrase “inner senses”—which captures Chomsky’s conception of the mind—is from Robert Pasnau, who translates Avicenna’s terminology differently. “Human Nature,” *The Cambridge Companion to Medieval Philosophy*, ed. A.S. McGrade (Cambridge: Cambridge University Press), 215–16.

Thomas Aquinas took over Avicenna's five faculties, some of which he categorized as the rational faculties; others as the sensory faculties. Through him, they became, and remain, orthodox Catholic doctrine. For Aquinas, "the mind was essentially a set of faculties, that set off human beings from other animals."¹¹⁰ None of this gets us, or got them, anywhere.

This last point explains why Chomsky espouses a Scholastic philosophy of mind which is accepted today by no psychologist or biologist or—outside of the Catholic Church—any philosopher. He is urgently concerned with defining "human nature," the human essence, regarded as the defining difference between humans and animals. Chomsky has referred to language as "the human essence," available to no other animal. Language universals form an essential part of human nature.¹¹¹ Why is it so important to him to be different from other animals? What's wrong with being an animal? Is there an animal inside Chomsky which he is determined not to let loose? An animal which might not follow the rules? An anarchist animal?

I like being an animal. In conditions of anarchy, I would expect to get better at it, and enjoy it more. Unlike conservatives, I don't think of anarchy as a reversion to animality. Unlike Chomsky, I don't think of anarchy as the human triumph over animality. I think of anarchy as humanity taking animality to a

110 Kenny, *Medieval Philosophy*, 235.

111 Chomsky, *Problems of Knowledge and Freedom*, 49; Chomsky, "Human Nature: Justice vs. Power," *Chomsky/Foucault Debate*, 4.

higher level—realizing it without suppressing it. And respecting the other animals too.

Chomsky had to go to a lot of trouble to find a tradition to carry on. He associates his version of innate ideas with Rene Descartes and Wilhelm von Humboldt, thus associating himself with the age of the Scientific Revolution and the age of the Enlightenment, respectively. What little Rene Descartes had to say about language has nothing to do with his own linguistics. His Cartesian credentials are not in order.¹¹²

Chomsky has failed to establish that von Humboldt ever even slightly influenced linguistic theory or political thought. Chomsky himself doesn't claim that he or any linguist was influenced by von Humboldt. Regarded as a *philosophe*, von Humboldt is a minor, atypical, and in his time, by his own choice, an unknown figure. Chomsky claims that the Baron "inspired" John Stuart Mill (173), but all we know is that Mill quoted von Humboldt in *On Liberty*. (108–09) I have quoted plenty of people, favorably, who never inspired *me*, because I found my ideas elsewhere, or I made them up, before I ever read those writers.

However, Chomsky does have medieval forebears. Roger (not Francis) Bacon and Dante are candidates, but the clearest example is Boethius of Dacia and the other radical Aristotelians known as Modists. They "asserted the existence of linguistic universals, that is, of rules underlying the formation of any natural

112 Hans Aarsleff, "The History of Linguistics and Professor Chomsky," *Language* 46 (1970): 570–85.

language.”¹¹³ Umberto Eco is explicit about it: “One can say that the *forma locutionis* given by God is a sort of innate mechanism, in the same terms as Chomsky’s generative grammar.”¹¹⁴

Two of Chomsky’s Cognitive Linguistics critics have concisely addressed the point: “Chomsky’s Cartesian philosophy requires that ‘language’ define human nature, that it characterize what separates us from other animals. To do so, the capacity for language must be both universal and innate. If it were not universal, it would not characterize what makes us *all* human beings. If it were not innate, it would not be part of our essence.”¹¹⁵ Note also that Chomsky ignores the reality of “universals in human *experience* . . .”¹¹⁶ For example, all physical bodies, animate and otherwise, universally follow the laws of gravitation, so these laws are not innate or unique to humans. Sick cell anemia, on the other hand, is innate but not universal. “When a biologist,” writes a biologist, “decides that an anatomo-physical trait is innate, he does so on the basis of a body of theory and experiment which is singularly lacking in Chomsky’s presentations.”¹¹⁷

113 Umberto Eco, *Serendipities: Language & Lunacy*, trans. William Weaver (NY: Columbia University Press, 1998), 39.

114 Ibid., 40.

115 Lakoff & Johnson, *Philosophy in the Flesh*, 476.

116 Melville J. Herskovits, “A Cross-Cultural Approach to Myth,” *Cultural Relativism: Perspectives in Cultural Pluralism*, ed. Frances Herskovits (New York: Random House, 1972), 240; see also Lakoff & Johnson, *Philosophy in the Flesh*, 508 (many language universals derive from common post-natal experiences).

117 Guy Cell  rier, “Some Clarifications on Innatism and Constructivism,” *Language and Learning*, 86.

Lakoff and Johnson further state: “Cognitive science, neuroscience, and biology are actively engaged in characterizing the nature of human beings. Their characterizations of human nature do not rely upon the classical theory of essences. Human nature is conceptualized rather in terms of variation, change, and evolution, not in terms merely of a fixed list of central features. It is part of our nature to vary and change.”¹¹⁸ Language is probably not to be referred to its own special department in the brain: “There are powerful indications here that the construction of expressions is a process that draws on the full resources of our language frame rather than on some subcomponent of the mind concerned with purely ‘linguistic’ knowledge in some narrow sense.”¹¹⁹ Isn’t it conceivable, for instance, that how we see and hear things, influences how we say things about what we see and hear? (And the converse might be true too.)

Chomsky’s faculty psychology does not correspond to the organization of the brain, but it does correspond to the organization of the university. Chomsky has spent his entire adult life in universities. A university consists of the “faculties” of the different academic departments: history, physics, economics, etc. Fields of study are departmentalized: in other words, compartmentalized. Some of the demarcations are as arbitrary as those of the Scholastics—what is political science except an ad hoc amalgamation of some subfields of sociology and philosophy, with a little law thrown in? Anthropology is even more

118 Lakoff & Johnson, *Philosophy in the Flesh*, 557.

119 Lee, *Cognitive Linguistics*, 89.

miscellaneous. But, to the faculty members, who are trained in them and who work in them, their departments come to seem like the natural organization of human knowledge—what philosophers call “natural kinds”¹²⁰—just as for Chomsky, his hypothetical language faculty is a fact of nature. Subjects of study are not even assigned to the same departments in different countries. These academic faculties are nothing but the products of history and professional socialization, and perpetuated by inertia.

But, to return to the mind: should vision, and the sense of hearing, be assigned to the department of perception, or should they each be set up each in its own department? Should language be assigned to the—what should I call it?—the “social senses department”? (along with psychology)—or to its own special department (or “cognitive domain” as Chomsky sometimes says, but that’s just a modern-sounding synonym for organs and faculties).¹²¹ Ferdinand de Saussure, the real father of modern linguistics, conceived it as a department of an overarching, inclusive science of signs, which he called “semiotics,” in which linguistics would assume the major but not exclusive part.¹²² Fields of knowledge are more constructed

120 Chomsky, *Problems of Knowledge and Freedom*, 19.

121 “How wide is a domain? Is all of mathematics one domain? If so, what about empirical science? Or are physics, chemistry and so on, all *different* domains?” Hilary Putnam, “What Is Innate and Why: Comments on the Debate,” *Language and Learning*, 296.

122 Ferdinand de Saussure, *Course in General Linguistics*, trans. Wade Baskin (London: Fontana, 1974), 16; Culler, *Ferdinand de Saussure*, 97.

than found, and sometimes on grounds which are more political than scientific.

Human Nature and Natural Rights

“The core part of anyone’s point of view,” insists Chomsky, “is some concept of human nature, however it may be remote from awareness or lack articulation.” (185) There must be innate ideas, and therefore human nature, and therefore natural law, and therefore natural rights, as we saw, lest his grandmother be no different from a rabbit or a rock; and there must be an innate human nature, lest his granddaughter be no different from a rock, a salamander, a chicken, or a monkey. (There is, incidentally, no necessary relation between the concept of innate ideas and natural law. John Locke took for granted natural law, but rejected innate ideas: “Is the Law of Nature inscribed in the minds of men? It is not.”¹²³)

There has to be a human nature, true, but only in Bishop Butler’s banal sense that human beings are different from other beings, because they are not the same as other beings. Chomsky admits that “all rational approaches to the problems of learning, including ‘associationism’ and many others that I discuss, attribute innate structure to the organism.”¹²⁴

123 John Locke, *Questions Concerning the Law of Nature*, trans .Robert Horwitz, Jenny Strauss Clay, & Diskin Clay (Ithaca, NY & London: Cornell University Press, 1990), 93, 139; Peter Laslett, “Introduction” to John Locke, *Two Treatises of Government*, ed. Peter Laslett (rev. ed.; New York: Mentor Books, 1963), 94–95.

124 Noam Chomsky, “Discussion of Putnam’s Comments,” in *Language and Learning*, 310; see also Noam Chomsky, *Aspects of*

Chomsky's dogmatic postulate is that this means that the characterization of human nature consists of the identification of the human essence, and that the human essence must consist of some attribute which is uniquely human. This is good Plato—Chomsky puts himself in the Platonic tradition (113)—and even better Aristotle, and good medieval Catholic theology, but it's not good science. Biologists don't go around trying to identify the essence which distinguishes a moth from a butterfly, or a mouse from a rat. Identifying their similarities and differences is incidental to investigating these organisms. Biologists leave essences to perfume manufacturers and Catholic theologians.

One of the earliest known attempts to identify human uniqueness was Plato's definition of a human as a gregarious, featherless biped.¹²⁵ Diogenes the Cynic got hold of a chicken (chickens are bipedal, and sociable), plucked its feathers, and brought it into Plato's Academy, announcing: "Here is Plato's man."¹²⁶ According to Rudolf Rocker, the last serious thinker,

the Theory of Syntax (Cambridge, MA: M.I.T. Press, 1965), 53; Jean Piaget, "Discussion," *Language and Learning*, 168.

125 Plato, "The Statesman," in *The Sophist & The Statesman*, tr. A.E. Taylor, ed. Raymond Klibansky & Elizabeth Anscombe (London: Thomas Nelson & Sons, 1961), 270.

126 Diogenes Laertius, "Diogenes," in *Lives of Eminent Philosophers*, trans. Robert Drew Hicks (Cambridge: Harvard University Press, 1972), 2:40. Another translation: "Plato defined man thus: 'Man is a two-footed, featherless animal,' and was much praised for the definition; so Diogenes plucked a cock and brought it into his school, and said, 'This is Plato's man.'" Diogenes Laërtius, *The Lives and Opinions of Eminent Philosophers*, trans. C.D. Yonge (London: George Bell & Sons, 1901), 231.

the Cynics were anarchists.¹²⁷ I identify myself as a cynic: an anarcho-cynicalist.

What is distinctively human about human beings might not be one unique attribute, but a unique combination of attributes. Language may well be just one element. Research on primates shows that, even if these animals are unable to create language, some of them, such as Nim Chimsky, might be capable of learning it, and using it. The unique combination of qualities which defines humanity might not include language at all. It might, for example, consist of the coincidence and coevolution of bipedalism, a big brain getting bigger, an organized social life, and the realized capacity for symbolic (but not linguistic) thought and expression. Who can say? Not Locke, Rousseau or Chomsky.

One reason why Chomsky clings to the notion of a universal, immutable human nature might be that he only deals with people who are a lot like he is. Prior to his retirement, Chomsky had not been out of school since he was five years old. He is pro-labor, but he has never had what some workers might consider a real job. Chomsky is an academic and a leftist. The people he meets are almost all academics or leftists, even when he gets flown around the world to Turkey or India or Australia to give speeches—to academics and leftists. Even anarchists are different enough to make him uncomfortable, although he is comfortable with leftists, because he is a leftist, and so they are the same as he is, if not quite so smart. Nothing in his

127 Rocker, *Anarcho-Syndicalism*, 12.

personal experience gives him much reason to doubt the basic sameness of human nature everywhere.

Paradoxically, Chomsky is a globe-trotter who doesn't get out enough. Everybody is like Noam Chomsky, only not as smart. Just as you only need one confirmed example from one language to establish the universal validity of a rule of generative grammar, you only need one confirmed example, such as the English language — intuited and analysed by the self-introspective mind of Noam Chomsky — to establish the universal truths of human nature. There's nothing mutable or malleable about *his* mind. It is, unlike his grandmother, like a rock.

And what might human nature be? Chomsky admittedly has no idea.¹²⁸ He does insist that human nature isn't malleable, because if it were, authoritarian governments, with expert advice, might then mold our minds: "The principle that human nature, in its psychological aspects, is nothing more than a product of history and given social situations removes all barriers to manipulation by the powerful."¹²⁹ Does he think natural law is a barrier to manipulation by

128 "Is human nature, whatever it is, conducive to the development of anarchist forms of life or a barrier to them? We do not know the answer, one way or the other." (186) ; see also Noam Chomsky & David Barsamian, *Chronicles of Dissent: Interviews with David Barsamian* (Monroe, ME: Common Courage, 1992), 354: "We don't know anything about human nature." Actually, "we" do know the answer, if "we" are familiar with the ethnographic literature on primitive societies of anarchists, as Chomsky is not. If human societies were anarchist for over a million years, human nature is not a "barrier" to anarchy.

129 Chomsky, *Reflections on Language*, 132; Chomsky, *Language and Politics*, 244.

the powerful? Chomsky agrees with Eric Mack that “Lockean rights”—well, for Chomsky, not *Lockean* rights—“alone provide the moral philosophical barrier against the State’s encroachments upon Society.”¹³⁰ To which L.A. Rollins replies, “a ‘moral philosophical barrier’ is only a metaphorical barrier, and it will no more prevent the State’s encroachment upon ‘Society’ than a moral philosophical shield will stop a physical arrow from piercing your body.”¹³¹ George H. Smith has written: “In its various manifestations natural law theory has been used to justify oligarchy, feudalism, theocracy, and *even socialism* [!].”¹³²

In 1890, some of the Indian tribes in the American West were caught up in the Ghost Dance religion, whose prophet promised that if the Indians carried out its rituals (especially marathon dancing), the gods would get rid of the whites and institute a paradise for Indians. The Indians would then be invulnerable to bullets.¹³³ However, it turned out that the Plains Indians were not in fact invulnerable to bullets. American soldiers massacred the Sioux at Wounded Knee.¹³⁴ *There are no moral barriers.* Anybody who says that there are, is just another false prophet.

130 Eric Mack, “Society’s Foe,” *Reason*, Sept. 1976, 35.

131 L.A. Rollins, *The Myth of Natural Rights* (Port Townsend, WA: Loompanics Unlimited, 1983), 2.

132 George H. Smith, review of *Natural Law in Political Thought* by Paul E. Sigmund, *Libertarian Review*, Dec. 1974, 1 (emphasis added).

133 James Mooney, *The Ghost-Dance Religion and the Sioux Outbreak of 1890* (Washington, DC: Government Printing Office, 1896).

134 Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the American West* (New York: Holt, Rinehart & Winston,

As John Locke observed, natural *law* presupposes a Law-Giver or Legislator: God.¹³⁵ All ancient, medieval, and early modern discussions of natural law credit it to the Deity. Roman Catholic doctrine still does. Chomsky's reticence about God suggests that, unlike Descartes, Locke, and the Pope, he does not believe in Him.¹³⁶ But unless you believe in God, it makes no sense to believe in natural law. It might not make sense even if you do believe in Him.

Chomsky is against mind manipulation by the powerful, although, as a college professor (now retired), he was paid—well-paid—to manipulate minds a little bit. Indeed, he holds that “schools have always, throughout history, played an institutional role in [the] system of control and coercion.”¹³⁷ However, what Chomsky dislikes is not, just because he dislikes

1971).

135 Locke, *Questions Concerning Human Nature*, 159; John Locke, *An Essay Concerning Human Understanding*, ed. Peter H. Nidditch (Oxford: Clarendon Press, 1975), 87.

136 As he put it, he was raised as a “practicing Jewish atheist.” Quoted in *A World of Ideas*, ed. Bill Moyers (New York: Doubleday, 1989), 55, quoted in Rai, *Chomsky's Politics*, 10.

137 Quoted in Donaldo Macedo, “Introduction” to Noam Chomsky, *Chomsky on MisEducation* [sic] (Lanham, Maryland: Rowman & Littlefield Publishers, 2000), 3. Just as Chomsky's book on anarchism is mostly not about anarchism, this, his book on education, is mostly not (indeed, hardly at all) about education. Instead, as usual he rails against U.S. foreign policy and media dishonesty. He refers vaguely to democracy in the classroom, but never discusses democracy in *his* classroom. His raging indictment of American education ignores higher education. A sympathetic, indeed, obsequious account of Chomsky's politics contains a chapter on “The Function of the University” which says absolutely nothing about democratizing the governance of

it, any argument in support of any theory of human nature—or of anything else. He fears that human nature might be manipulated by authority, if human nature is malleable.¹³⁸ In a conference discussion, he mentioned that “this is pure speculation on my part, I have no evidence whatsoever.”¹³⁹ But if human nature can be manipulated by authority, it can also be recreated by the free choices of autonomous groups and individuals acting on themselves. A risk can be an opportunity. If circumstances are auspicious—such as during a revolution—people are capable of changing, and changing themselves, and changing very much and very fast. Whether these changes go to “human nature” or “human essence”—who cares? Only the Pope and Noam Chomsky, for doctrinal reasons, worry about that sort of thing.

Chomsky doesn't reject high technology because it can be “manipulated” by capital and the state. It *is* manipulated by capital and the state. They invented it. Technology is their foundation. It erects real barriers, not imaginary moral barriers, to freedom of action and self-realization. But for Chomsky, technology is morally neutral and potentially emancipatory. He doesn't condemn it because it really *is* misused. But he condemns the social and historical conception of human nature because it *might* be misused.

the university or its classrooms. Rai, *Chomsky's Politics*, 101. I have not found anything by Chomsky on this topic.

138 Chomsky, *Radical Priorities*, 114; Chomsky, “Chomsky on Human Nature and Understanding,” 98–99. As is usual with Chomsky, the later statement is more emphatic and dogmatic than the earlier.

139 Noam Chomsky, “Discussion,” *Language and Learning*, 270.

Chomsky doubts that empiricist theories of mind are progressive—at least, not any more. But innatist theories of mind have never been progressive. Plato was not progressive. Aquinas was not progressive. The medieval Scholastics and the Jesuits were not progressive. Sociobiologist E.O. Wilson is not progressive. When his sociobiology was denounced as a conservative ideology, Wilson's defense was that Noam Chomsky is also an "innatist"!¹⁴⁰ According to Wilson, anarchism is, because it is contrary to innate human nature, "impossible."¹⁴¹

Natural law, according to John Locke, is what stands between us and—anarchy!: "if you would abolish the law of nature, you overturn at one blow all government among men, [all] authority, rank, and society."¹⁴² Sounds good to me. Democracy, which Chomsky espouses, after all involves manipulation: "The action of the democratic process itself, in terms of argumentation and persuasion, represents an attempt to manipulate behavior and thought for given ends."¹⁴³

Chomsky believes that language—or rather, the language *faculty*—is the distinctive, defining human attribute. If there is such an attribute, language is, I admit, one of the more plausible candidates. Aristotle

140 Quoted in Sahlins, *Use and Abuse of Biology*, xii–xiii.

141 Wilson, *On Human Nature*, 208, quoted in Barry, *Human Nature*, 42.

142 Locke, *Questions Concerning the Law of Nature*, 213.

143 Herskovits, "The Problem of Adapting Societies to New Tasks," 122.

thought that language was it.¹⁴⁴ But who says there has to be one and only one defining attribute? Hegel thought that it was the state, but Marx denied that the state was the “abstract universal.”¹⁴⁵ Marx pointedly did not regard either civilization or the state as accomplishing the emergence from animality. For him the special human quality is *labor*: “Men can be distinguished from animals by consciousness, by religion¹⁴⁶ or anything else you like. They themselves begin to distinguish themselves from animals as soon as they begin to *produce* their means of subsistence, a step which is conditioned by their physical organization.”¹⁴⁷

144 Aristotle, *The Politics*, trans. Carnes Lord (Chicago, IL & London: University of Chicago Press, 1984), 37. He also asserted that urbanism and politics are our nature: “it is evident, then, that the city [polis] belongs among the things that exist by nature, and that man is by nature a political animal.” Ibid., 37. His contemporaries the Cynics, however, rejected the polis as “against nature.” John L. Moles, “Cynic Cosmopolitanism,” in *The Cynics: The Cynic Movement in Antiquity and Its Legacy*, ed. R. Bracht Branham & Marie-Odile Goulet-Cazé (Berkeley, CA: University of California Press, 1996), 107.

145 Karl Marx, “Critique of Hegel’s Doctrine of the State,” *Early Writings* (New York: Vintage Books, 1975), 158.

146 Religion “is an expression of human nature, based in one of its necessary modes of acting or impulses or whatever else you like to call it . . .” Friedrich Schleiermacher, *On Religion: Speeches to Its Cultured Despisers*, tr. John Oman (New York: Harper & Row, Harper Torchbooks, 1958), 13. Marx, who was brought up as a Lutheran, would have been familiar with this book.

147 Karl Marx & Frederick Engels, *The German Ideology* (3rd rev. ed.; Moscow: Progress Publishers, 1976), 37.

According to Charles Fourier, who was an innatist like Chomsky, there are nine “passions”—five are “sensual” and four are “distributive”—whose permutations generate 810 personality types. Society should therefore be organized so as to coordinate and gratify all the various passions of everyone.¹⁴⁸ The arrangements Fourier proposes for the “phalanstery” are ingenious and imaginative, if overorganized and somewhat implausible; but for that, I commend the reader to their author. Even Marx and Engels referred to Fourier with respect.¹⁴⁹ At least they’d read him. Fourier posits instincts as arbitrarily as Chomsky posits faculties, but his are much more attractive. It would never occur to Chomsky that the gratification of the passions is any purpose of an anarchist society.

There are many attributes which arguably distinguish humans from animals, but there can be only one essence, lest we be mistaken for rabbits or rocks. In addition to language, the state, the city, and labor, other nominees include reason, religion, and possession of a soul. Nietzsche nominated laughter. According to conservative Paul Elmer More, the human essence is property: “Nearly all that makes [life] more significant to us than to the beast is associated with our possessions—with property, all the way from the food which we share with the beasts, to the products

148 *The Utopian Vision of Charles Fourier*, trans. & ed. Jonathan Beecher & Richard Bienvu (Boston, MA: Beacon Press, 1971), 189, 215-23.

149 Frederick Engels, “Socialism: Utopian and Scientific,” in Karl Marx & Frederick Engels, *Selected Works in One Volume* (New York: International Publishers, 1968), 405-06.

of the human imagination.”¹⁵⁰ Anthropologist Edwin R. Leach suggests that “the ability to tell lies is perhaps our most striking human characteristic.”¹⁵¹

If featherless bipedalism and mendacity are, although unique to humans, frivolous nominations here, it’s only because only features which relate to human action (which, however, lying does) are of practical interest to those in search of human nature. Specifically, any argument about human nature is likely to be relevant to politics.¹⁵² This isn’t science. There is always an ideological agenda. Chomsky’s idea of human nature is one of the connections between his linguistics and his politics. In both contexts it is conservative.

In the tradition of Christian thought, human nature is considered to be congenitally sinful (Original Sin). In the tradition of Western thought, human nature is considered to be egotistical, greedy and aggressive.¹⁵³ Kropotkin and other anarchists have argued, on the contrary, that humans (and indeed, some other

150 Quoted in Robert Nisbet, *Conservatism: Dream and Reality* (Minneapolis, MN: University of Minnesota Press, 1986), 55.

151 Edmund R. Leach, “Men, Bishops, and Apes,” *Nature* 293 (5827) (Sept. 3-9, 1981), 21. Cf. Italo Calvino, *Invisible Cities*, tr. Richard Weaver (San Diego, CA: Harcourt, Inc., A Harcourt Book, 1978), 48. “There is no language without deceit”; Giorgio Agamben, *The Sacrament of Language: An Archaeology of the Oath*, tr. Alan Kotsko (Cambridge: Polity Press, 2011), 71: “Precisely because, unlike other living things, in order to speak, the human being must put himself at stake in his speech, he can, for this reason, bless and curse, swear and perjure.”

152 Roger Trigg, *Ideas of Human Nature: An Historical Introduction* (Oxford & New York: Basil Blackwell, 1968), 169.

153 Marshall Sahlins, *The Western Illusion of Human Nature* (Chicago, IL: Prickly Paradigm Press, 2008).

social animals) are naturally cooperative, not competitive.¹⁵⁴ The evidence of history and ethnography overwhelmingly demonstrates that humans are capable of sustaining permanent egalitarian, cooperative, anarchist societies. Such forms of society are, whether or not they are in some sense natural to us, not *unnatural* to us either. That's all we need to know for now.

Chomsky supposes that human nature is something to be investigated scientifically someday. Actually, it already has been, for a very long time. For example, the findings of sociobiology—which I am not endorsing—although not as optimistic as Kropotkin's suppositions, at least controvert the “killer ape” theory, the Original Sin theory, and the Hobbesian, war-of-each-against-all theory. There is no “social aggressive instinct.”¹⁵⁵ Oddly enough, Chomsky has recently concluded that *Kropotkin* invented sociobiology!¹⁵⁶ There is, it may be, a social defensive instinct, and an ingrained suspicion of those who are different. But these are not insuperable “barriers” (in Chomsky's word) to anarchy, they only imply that people who are different should get to know each other, and form societies in which people don't have to be afraid of each other, whether within or between societies.

154 Peter Kropotkin, *Mutual Aid: A Factor of Evolution*, ed. Paul Avrich (New York: NYU Press, 1972) (reprint of the 1914 edition).

155 Edmund O. Wilson, *On Human Nature* (Cambridge & London: Harvard University Press, 1978), 103.

156 Noam Chomsky, “Human Nature and Evolution: Thoughts on Sociobiology and Evolutionary Psychology,” *Science of Language*, 103, 105.

As far as I'm concerned, unless there is solid proof that humans are psychologically incapable of living together in an anarchist society, anarchy is a goal worth aspiring to.¹⁵⁷ And even if there was any discouraging evidence, I'd give it a shot. Man is something to be surpassed, as Nietzsche said. And as Gaston Bachelard also said: "A man [or woman, of course] must be defined by the tendencies which impel him [or her] to go beyond the *human condition*."¹⁵⁸ Testing the limits of human nature is the only way to discover what they are. Going too far is the only way to go.

Chomsky purports to be an optimist,¹⁵⁹ but he's a fatalist. He has to be. We know that human nature is not a "barrier" to anarchy, because anarchy has been realized, although you might not know that if you get your ethnography of human nature out of the Old Testament. My own opinion is a matter of record: "It's true that anarchists reject ideas of innate depravity or Original Sin. These are religious ideas which

157 "Men are not good enough for Communism, but they are good enough for Capitalism?" Peter Kropotkin, "Are We Good Enough?" *Act for Yourself: Articles for Freedom, 1886-1907*, ed. Nicolas Walter & Heiner Becker (London: Freedom Press, 1988), 81. By communism Kropotkin of course meant anarcho-communism. The claim that human nature is evil or flawed supports the argument for anarchism: "since no one is completely virtuous, it is folly to entrust anyone with government power." Allen Thornton, *Laws of the Jungle* § 118 (Vermilion, OH: Mermaid Press, 1987).

158 *On Poetic Imagination and Reverie: Selections from the Works of Gaston Bachelard*, trans. Colette Gaudin (Indianapolis, IN & New York: The Bobbs-Merrill Company, 1971), 16.

159 Noam Chomsky, "Optimism and Grounds for It," *Science of Language*, 118-123.

most people no longer believe in. But anarchists don't usually believe that human nature is essentially good either. They take people as they are. Human beings aren't 'essentially' anything."¹⁶⁰

I can believe that human nature is already good enough for anarchy. I can also believe that in the practice of anarchy as everyday life, in living it, new vistas of collective adventure would open up. And I can even believe that the simultaneous process of revolutionary construction and destruction would commence the transformation, and prepare us for a new way of life. "Human nature" might be reduced to banal truths, such as that we will never fly by flapping our arms, while the human *natures* of social individuals—more social, and more individual than we have maybe ever been, even in the Paleolithic—will effloresce and flourish in all their pluralities. Human nature is our lowest common denominator, our, as Chomsky might say, our minimalist program. Let's de-program ourselves (our *selves*: each other, one another, all of us).

It's curious that human nature, which is, by definition, the same in all times and places, is in all times and places different from the way it is expressed in all other times and places. John Locke drew attention to this fact:

If this law of nature were naturally impressed entire on the minds of men immediately at birth, how does it happen that all men who are in the possession of souls furnished with

160 Bob Black, *Anarchy 101* (Portland, OR: Eberhardt Press, [2011]); *Anarchy: A Journal of Desire Armed* No. 60 (23)(2) (Fall/Winter 2005–2006), 65.

this law do not immediately agree upon this law to a man, without any hesitation, [and are] ready to obey it? When it comes to this law, men depart from one another in so many different directions; in one place one thing, in another something else, is declared to be a dictate of nature and right reason; and what is held to be virtuous among some is vicious among others. Some recognize a different law of nature, others none, all recognize that it is obscure.¹⁶¹

“That ideas of right and wrong differ,” observes social psychologist Solomon Asch, “poses a problem for the theory of human nature.”¹⁶² That’s an understatement. It would seem that Chomsky would have to say that the moral sense is, conveniently, yet another innate faculty. And so he does! Moral principles “must arise from some much smaller set of moral principles”—I know, that’s circular—“that are a part of our fundamental nature and thought by some generative procedure . . .”¹⁶³ What, another generative procedure? An

161 Locke, *Questions Concerning Human Nature*, 141.

162 Solomon E. Asch, *Social Psychology* (New York: Prentice Hall, 1967), 367.

163 Chomsky, “Human Nature Again,” *Science of Language*, 109–110. Citing unpublished research by John Mikhail, Chomsky asserts that there is strong cross-cultural evidence of agreement on the moral principle that an innocent person should not be sacrificed to save the lives of others (for instance, by harvesting organs from a healthy person). This is called cherry-picking the evidence—if there really is any evidence. Infanticide is widely reported in primitive societies, and in some that were not so primitive, such as ancient Greece (remember the Oedipus

altruism algorithm? Generative generosity? Computational compassion? But this is just to confuse “is” and “ought,” fact and value.

How is it possible (for instance) that hardly any people now consider wage-labor to be the moral equivalent of slave-labor? Because this self-evident truth “has been driven out of people’s minds by massive propaganda and institutional structures”!¹⁶⁴ So much for moral barriers, moral principles and our fundamental nature! They can be battered down even by such lowlifes as teachers, advertisers, and journalists (to whom I might add: parents, bosses and priests).

It is, as Thomas Kuhn puts it, a sobering truth that “all past beliefs about nature have sooner or later turned out to be false.”¹⁶⁵ Beliefs about human nature, directly influenced as they are by religious and ideological considerations, are more than usually likely to be false.

According to historian Peter Marshall: “The main weakness of the argument that anarchism is somehow against ‘human nature’ is the fact that anarchists do not share a common view of human nature. Among the classic thinkers, we find Godwin’s rational

legend)? Senicicide (killing the old by neglect, abandonment, encouraged suicide, or outright homicide), has also been common in many societies. Leo W. Simmons, *The Role of the Aged in Primitive Society* (New Haven, CT: Yale University Press, 1945), 225-239.

164 Chomsky, “Optimism and Grounds for It,” 119.

165 Thomas S. Kuhn, *The Trouble with the Historical Philosophy of Science* (Cambridge: Harvard University Department of the History of Science, 1992), 14. “The history of ideas is a history of mistakes.” Alfred North Whitehead, *Adventures in Ideas* (New York: The Macmillan Company, 1933), 30.

benevolence, Stirner's conscious egoism, Bakunin's destructive energy, and Kropotkin's calm altruism."¹⁶⁶ As anarchist Peter Gelderloo observes: "The great diversity of human behaviors that are considered normal in different societies calls into question the very idea of human nature."¹⁶⁷ Chomsky is far away from mainstream anarchist opinion: "While most socialists and anarchists have argued that character is largely a product of environment, Chomsky has tried to formulate a biological concept of 'human nature' with its own innate and cognitive aspects."¹⁶⁸

Although Chomsky cannot say what human nature is, he insists that there are *natural rights*, derived from human nature: "On the matter of common sense and freedom, there is a rich tradition that develops the idea that people have intrinsic rights. Accordingly [sic], any authority that infringes upon these rights is illegitimate. These are natural rights, rooted in human nature, which is part of the natural world, so that we should be able to learn about it by rational inquiry." (173). He believes something often assumed but never demonstrated—that, supposing that there exists natural law derived from human nature, "the corollary idea of natural rights" follows.¹⁶⁹ (173) Not for Jeremy

166 Marshall, *Demanding the Impossible*, 642. I think the "main weakness" is rather the evidence of ethnography and history.

167 Peter Gelderloos, *Anarchy Works* (n.p.: Ardent Press, 2010), 46.

168 Marshall, *Demanding the Impossible*, 578.

169 Paul G. Kauper, *The Higher Law and the Rights of Man in a Revolutionary Society* (Washington, DC: American Enterprise Institute for Public Policy Research, 1974), 1 (quoted) (Kauper was a legal scholar); Murray N. Rothbard, *For a New Liberty* (New

Bentham, whose utilitarianism presupposed an invariant human nature, but who derided natural rights as “nonsense on stilts.”¹⁷⁰ Natural law, according to John Locke, “should be distinguished from natural right [*jus naturale*]; for right [*jus*] consists in the same that we have a free use of something, but law [*lex*] is that which either commands or forbids some action.”¹⁷¹ These were also Hobbes’ definitions.¹⁷²

Natural law philosophy goes back at least as far as Aristotle — and Christians claim they invented it¹⁷³ — but natural rights-talk, aside from a few isolated medieval anticipations, is scarcely older than the seventeenth century. Even as late as 1756, the jurist William Blackstone could discuss natural law without anywhere acknowledging natural rights.¹⁷⁴ The tradition, be it rich or poor, is recent.

York: Macmillan, 1973), 25 (Rothbard was an “anarcho-capitalist”); Jacques Maritain, *The Rights of Man and Natural Law* (London: Geoffrey Bless, 1944), 37 (Maritain was a Catholic theologian). Political philosophy, like politics, makes strange bedfellows. Anything that Kauper, Rothbard, Maritain and Chomsky agree on just *has* to be wrong.

170 “Anarchical Fallacies,” *The Works of Jeremy Bentham*, ed. John Bowring (New York: Russell & Russell, 1962), 2: 501

171 Locke, *Questions Concerning the Law of Nature*, 101.

172 Thomas Hobbes, *Leviathan*, ed. C.B. Macpherson (Harmondsworth, Middlesex, England: Penguin Books, 1968), 189.

173 “The consciousness of the rights of the person really has its origin in the conception of man and of natural law established by centuries of Christian philosophy.” Maritain, *Rights of Man*, 45. Maritain was one of the principal draftsmen of the U.N. Universal Declaration of Human Rights, which is a very big bag of rags.

174 William Blackstone, *Commentaries on the Laws of England* (London: at the Clarendon Press, 1756), 1: 38-45.

However, we cannot derive natural rights from human nature without knowing what human nature is. Instead, we are compelled, says Chomsky, to make “an intuitive leap, to make a posit as to what is essential to human nature, and on this basis to derive, however inadequately, a conception of a legitimate social order.” (173) For Chomsky the political philosopher as for Chomsky the linguist: when in doubt, “make a posit,” make up something that suits you, something that predetermines your conclusion. For him, wishful thinking is a scientific methodology. But, as Jeremy Bentham argued, “reasons for wishing there were such things as rights, are not rights;—a reason for wishing that a certain right were established, is not that right—want is not supply—hunger is not bread. *Natural rights* is simple nonsense: natural and imprescriptible rights, rhetorical nonsense,—nonsense on stilts.”¹⁷⁵

That “rich tradition” of natural rights is much less imposing than Chomsky supposes. But its short history is enough to exhibit, as the fundamental natural right, if there is even one natural right, it’s the right of *property*, as it was upheld by Thomas Hobbes, John Locke, James Madison, Ayn Rand and more notables than you can shake a stick at. As Locke stated: “’tis not without reason, that he [man] seeks out, and is willing to joyn in Society with others who are already united, or have a mind to unite for the mutual *Preservation* of their Lives, Liberties and Estates, which I call by the general Name, *Property*.”¹⁷⁶ Slavery was

175 “Anarchical Follies,” 2: 501.

176 Locke, *Two Treatises of Government*, 395.

widely considered, as Locke considered it, a property right. Czars and other monarchs, such as James I of England and Louis XIV of France, proclaimed the divine (and therefore natural) right of kings. Aristotle had maintained that some men are slaves by nature.¹⁷⁷ John Locke also maintained that slavery was a property right, thus a natural right.¹⁷⁸ Natural rights, like the language organ, like God, cannot actually be located anywhere:

Since it has no anatomical locus (nobody really knows where your natural rights are like they know, for instance, where your pancreas is), [the concept of natural rights] involves an ability to deal with intangible things of this sort. They amount to matters that have no dimensions and I call them religious ideas—there is no challenging them. Someone who supports religious ideas involving the Trinity or Transubstantiation or a number of other religious doctrines is irrefutable. You can't disprove it—but again there's no way of proving them either.¹⁷⁹

Chomsky's darling, Freiherr Wilhelm von Humboldt, rigorously upheld the natural law doctrine. He throughout (he says) “proceeded strictly from principles of human nature,” in accordance with the

177 Aristotle, *The Politics*, 37-39; Rocker, *Nationalism and Freedom*, 80.

178 Locke, *Two Treatises of Government*, 433 & *passim*.

179 “Introducing Revisionism: An Interview with James J. Martin,” *Reason*, Jan. 1976, 19.

“immutable principles of our nature.”¹⁸⁰ For him, as for Chomsky, it follows that there must be natural law as our infallible guide: “Natural law, when applied to the social life of men, defines the boundary lines [between freedom and the requirements of security] unmistakably.”¹⁸¹ But, as always, natural law, whose existence has never been demonstrated, in every formulation attempted by its believers, lacks the universality which natural law must have. The Baron, for instance, thought that “man is more disposed to dominion than freedom,” and he also thought that “war seems to be one of the most salutary phenomena for the culture of human nature; and it is not without regret that I see it disappearing more and more from the scene.”¹⁸² Chomsky, viewing the battlefields of Vietnam and East Timor, would not agree. So natural law and natural rights are just plain common sense?

If we took a roll call of historical anarchists, there would be many who paid lip service to the idea of natural rights, but also some who rejected it. William Godwin, the first systematic philosopher of anarchism, rejected it.¹⁸³ So did Max Stirner. Pierre-Joseph Proudhon, the first self-styled anarchist, held that “the

180 von Humboldt, *Limits of State Action*, 134–35, 75.

181 von Humboldt, *Limits of State Action*, 90.

182 von Humboldt, *Limits of State Action*, 135, 45. He would soon get plenty of war, as Napoleon repeatedly defeated Prussian armies and for awhile occupied Berlin.

183 William Godwin, *Enquiry Concerning Political Justice*, ed. Isaac Kramnick (Harmondsworth, Middlesex, England: Pelican Books, 1976), 91–96.

law of nature as well as justice is equality . . .”¹⁸⁴ and thus apparently accepted the idea, insofar as his philosophy was based on the idea of justice. This isn’t an issue to be resolved by counting votes. Indeed, for anarchists, no issue should be resolved by counting votes.

My own view is that what has been called “rights talk” is obscurantist for anarchists. It is only a round-about way of expressing preferences which might more honestly and economically be expressed directly. This might be wishful thinking on my part, but I sense a gradually growing rejection of natural rights ideology among anarchists.¹⁸⁵ A good example of its erosion is Chomsky himself, as quoted above (173), saying that [1] we need a conception of immutable human nature, so that [2] we can deduce from it our natural rights, so that [3] we are justified in opposing illegitimate authority. Why not skip steps [1] and [2] and, for that matter, [3], and just oppose authority for all the good reasons anarchists have for opposing it?

What is “legitimate authority”? *We* don’t need to justify to anybody our taking our lives into our own hands. Let *authority* justify itself, if it can, to our satisfaction. But it can’t, not even if it’s democratic.¹⁸⁶ Let’s cut the crap. Let’s cultivate and co-ordinate our desires and, as far as that’s in our power, act on them (anarchists call this “direct action” and “mutual aid”). As Emma Goldman wrote concerning the unimpeachable “Lie of Morality”: “no other

184 *Selected Writings of P.-J. Proudhon*, ed. Stewart Edwards, trans. Elizabeth Fraser (Garden City, NY: Anchor Books, 1969), 51.

185 See, e.g., *Anarchy 101*, ed. Dot Matrix (n.p.; Ardent Press, n.d.), 16–18, taken from texts at www.anarchy101.org.

186 Black, *Debunking Democracy*.

superstition is so detrimental to growth, so enervating and paralyzing to the minds and hearts of the people, as the superstition of morality.”¹⁸⁷ When Professor McGilvray suggested that, for Chomsky, “there are at least some fairly recognizable facts about our moral nature,” Chomsky replied: “Well, if someone doesn’t at least accept that, then they [sic] should just have the decency to shut up and not say anything.”¹⁸⁸ Thus, according to “the science of language,” some people should shut up, including Max Stirner, Benjamin Tucker, Emma Goldman, Renzo Novatore and myself. Chomsky champions free speech even for Holocaust Revisionists, but not for the wrong kind of anarchists. Chomsky is a moralizer on the level of a newspaper editor or a Baptist minister.

The whole point of all this natural law/natural rights rigmarole is to derive “ought” from “is”—to derive natural rights (values), via natural law (some sort of confusion or mixture of values and facts), from human nature (supposedly a fact). But Chomsky derives “is” (human nature) from “ought” (morality): “The core part of anyone’s point of view [I have previously quoted this] is some concept of human nature, however it may be remote from awareness or lack articulation. *At least, that is true of people who consider themselves moral agents, not monsters.*” (185 [emphasis added]) Human nature isn’t universal after all. You don’t have it if you don’t believe in it. Chomsky has

187 Emma Goldman, “Victims of Morality,” in *Red Emma Speaks: Selected Writings and Speeches*, ed. Alix Kates Shulman (New York: Random House, 1972), 127.

188 Chomsky, “Chomsky on Human Nature and Understanding,” 102.

written the nonbelievers, the “monsters,” such as Stirner, Tucker, Goldman, Novatore and myself, out of the human race. In exactly the same way, the godly write out of the human race atheists such as Chomsky and myself, although atheists tend to act in accordance with Christian values (and obey the law) much more often than Christians do. For a genius, Chomsky says some really stupid things.

Chomsky's Marxism

After reading all his political books, one would be hard-pressed to identify Chomsky's politics, except maybe as consisting of some sort of generic, anti-American leftism. After reading *Chomsky on Anarchism*, one would still be uncertain. Chomsky has referred to himself, and has been referred to by his sympathizers, in various terms. For him, anarchism is voluntary socialism, libertarian socialism, the libertarian left, anarcho-syndicalism, and anarcho-communism “in the tradition of Bakunin and Kropotkin and others.” (133) Chomsky might have trouble identifying any “others,” except Rudolf Rocker, and he is unaware that Bakunin was not a communist.¹⁸⁹ He must not have read very much Bakunin. Anarchism “may be regarded as the libertarian wing of socialism.” (123) But . . . does socialism *have* a libertarian wing? Not according to the socialists. According to a prominent socialist of the last century, H.G. Wells,

189 Woodcock, *Anarchism*, 164.

anarchism is “the antithesis of Socialism.”¹⁹⁰ Socialists still think so. For once, they got something right.

It is already apparent that Chomsky is ignorant or confused. For instance, anarcho-communism and anarcho-syndicalism are not the same thing. Their proponents have been arguing with each other for more than a century. Kropotkin, the foremost communist anarchist, wrote a favorable Preface to an exposition of anarcho-syndicalism, but he couldn't help but observe about the highest coordinating body, “the ‘Confederal Committee,’ it borrows a great deal too much from the Government that it has just overthrown.”¹⁹¹ At the famous anarchist conference in Amsterdam in 1907, the communist Errico Malatesta and the syndicalist Pierre Monatte debated whether trade unions were both the means and ends to the revolution—as Monatte maintained—or whether trade unions, however beneficial to their workers under capitalism, are inherently reformist and particularistic, as Malatesta maintained.¹⁹² Here my point is not to argue which version of anarchism is correct, but only to point out that anarchists have long been aware that these ver-

190 H.G. Wells, *The Future in America* (New York: St. Martin's Press, 1987), 57 (originally published in 1906).

191 Peter Kropotkin, “Preface” to Emile Pataud & Emile Pouget, *How We Shall Bring About the Revolution: Syndicalism and the Co-operative Commonwealth*, tr. Charlotte & Frederic Charles (London & Winchester, MA: Pluto Press, 1990), xxxv.

192 George Woodcock, *Anarchism: A History of Libertarian Ideas and Movements* (Cleveland, OH & New York: Meridian Books, 1962), 262. For Malatesta's views, see *Malatesta: Life & Ideas*, ed. Vernon Richards (London: Freedom Press, 1977), 113–33; Errico Malatesta, *The Anarchist Revolution: Polemical Articles, 1924–1931*, ed. Vernon Richards (London: Freedom Press, 1995), 23–34.

sions are very different. All moderately well-read anarchists know this, but Chomsky is not a moderately well-read anarchist, even aside from the fact that he's not an anarchist.

Chomsky has also espoused left Marxism: specifically, council communism: "One might argue [he is being coy: he believes in this] that some form of council communism is the natural form of revolutionary socialism in an industrial society." (127) George Woodcock accused Chomsky of "wishing to use anarchism to soften and clarify his own Marxism."¹⁹³ After quoting the council communist Anton Pannekoek, Chomsky tells us that "radical Marxism merges with anarchist currents." (126) Like so much that Chomsky says about history—if this is a statement about history—it is false. Despite what to outsiders like myself appears to be considerable similarity in their blueprints for a highly organized post-revolutionary industrial society, as it appears to Chomsky (146), left Marxists/council communists (they now call themselves "anti-state communists") and syndicalists have never "merged." They are today as mutually hostile as they have always been. "The consistent anarchist, then, should be a socialist, but a socialist of a particular sort" (125): yes: a gullible one. A Marxist.

His editor Dr. Barry Pateman complains that "Chomsky is regularly identified in the media as a prominent anarchist/libertarian communist/anarcho-syndicalist (pick as many as you like)." (97) If the media do that, they are only accurately reporting the

193 Barry Pateman, "Introduction," *Chomsky on Anarchism*, 7; see also Milan Rai, *Chomsky's Politics* (London & New York: Verso, 1995), 94–95.

facts for a change. Chomsky has willingly worn all these uniforms, and others. But in fact, the American media, at least, have blacklisted Chomsky ever since, in 1974, he imprudently published a book which was mildly critical of Israel.¹⁹⁴

American journalists are generally even more ignorant than they are stupid. They've never even heard big, long words and phrases like "libertarian communist" and "anarcho-syndicalist." Probably the spell-checkers on their computers, as on mine, don't even recognize "syndicalism" as a word. If the journalists notice Chomsky at all—occasionally, some witch-hunting right-wing columnist or radio talk-show demagogue mentions him—they don't use these fancy words. They just identify him as an anti-American pro-Communist. Which is what he is. There will always be someone around to remind them that in the 1970s, Chomsky defended the Khmer Rouge in Cambodia against allegations that

194 Noam Chomsky, *Peace in the Middle East?* (New York: Vintage Books, 1974). Chomsky lived for some months on a kibbutz in Israel. He even believes that "the most dramatic example" of successful large-scale anarchism is the kibbutz (134), which, of course, is neither large-scale nor anarchist. His dissertation was about aspects of the Hebrew language. He is by no means anti-Israel, as his Zionist critics contend. After this book, Chomsky's political books were no longer published by mainstream publishers: "[his] tone and unyielding criticism long ago landed Chomsky in the Siberia of American discourse." *Business Week*, April 17, 2000. Chomsky was shut out of his major conduit into the liberal intelligentsia, the *New York Review of Books*, in 1972. Rai, *Chomsky's Politics*, 3.

they were exterminating vast strata of their own population.¹⁹⁵ Which is what they were doing, as by now, all the world knows. Chomsky and his fans deplore his mass media blackout, which is ironic—not to say hypocritical—because Chomsky “has done his best to marginalize anarchist perspectives.”¹⁹⁶ Sometimes the wooden shoe is on the other foot.

In his introduction to Guérin’s book on anarchism, Chomsky identifies what he considers to be valuable in it:

Daniel Guérin has undertaken what he has described as a “process of rehabilitation” of Marxism. He argues, convincingly I believe, that “the constructive ideas of anarchism retain their validity, that they may, when re-examined and sifted, assist contemporary socialist thought to undertake a new departure . . . [and] contribute to enriching Marxism.” From the “broad back” of anarchism he has selected for more intensive scrutiny those ideas and actions that can be described as libertarian socialist. This is natural and proper. (128)

For Chomsky it is natural and proper that the contemporary significance of anarchism is, not to assert and expound anarchism, but to enrich and rehabilitate Marxism. Only a Marxist who is not an anarchist, except in his otherwise underdeveloped imagination,

195 Noam Chomsky & Edward S. Herman, *The Political Economy of Human Rights* (Boston, MA: South End Press, 1979), vol. 2.

196 Zerzan, “Who Is Chomsky?,” 141.

could be so condescending, and so insolent. Everything that anarchists have thought and said and done, what many of them have gone to prison for, or died for—is good for nothing but *rehabilitating* and *enriching* Marxism, “when re-examined and sifted.” We should feel honored to serve. However—to put it mildly: “The relationship between anarchists and Marxists has never been happy.”¹⁹⁷

We anarchists are not around to save Marxism from the errors, inadequacies and inconsistencies in its ideology, which we have been pointing out for almost 150 years. We were right all along. We are not here to conceal, but rather to reveal, the shameful history of Marxist movements and Marxist states. We are not here to apply anarchist cosmetics (black and red or even green) to give socialism a human face. We have not forgotten that in times of crisis, we have supported the Marxists, but they have never, ever supported us. We have not forgotten the Russian Revolution and the Spanish Revolution, and what we did for them there, and what they did to us there. In this new century, as revolutionaries, we are the only game in town. We make things happen. We energize the anti-globalization movement. We inspired and we participate in the Occupy movement.¹⁹⁸ We do a lot of things. We don’t need Marxists. We don’t *want* Marxists. It follows that we don’t need Chomsky, and we don’t want Chomsky. “Sift” *that!*

197 Kinnah, *Anarchism*, 27.

198 *Occupy Everything: Anarchists in the Occupy Movement, 2009-2011*, ed. Aragorn! ([Berkeley, CA]: LBC Books, 2012).

Chomsky desires — what we already have, in spades — a “highly organized society.” (181) Anarchism is, according to Chomsky, “the rational mode of organization for an advanced industrial society.” (136) Chomsky endorses (62) the position which Bertrand Russell once held, that

Socialism will be achieved only insofar as all social institutions, in particular the central industrial, commercial, and financial institutions of a modern society, are placed under democratic industrial control in a federal industrial republic of the sort that Russell and others have envisaged, with actively functioning workers’ councils and other self-governing units in which each citizen, in Thomas Jefferson’s words, will be “a direct participator in the government of affairs.” (61)¹⁹⁹

A rational anarchist society, then, will include “central industrial, commercial, and financial institutions” — the central institutions of late capitalism: the engines of globalization. Anarchists call for decentralization, not central institutions. What does the word “industrial” mean in phrases like “democratic industrial control” and “federal industrial republic”? Is this councilist or syndicalist state to be controlled by industrial workers, who are, not only but a fraction of the population in countries such as the United States, they are only a minority of the working class even in

199 Taken from Chomsky, *Problems of Knowledge and Freedom*, 61. Quoting Thomas Jefferson in this context is ludicrous.

those countries, as Chomsky has belatedly noticed?²⁰⁰ This is the dictatorship of the proletariat if anything is. Another word for it is oligarchy. It isn't obviously superior to, say, the dictatorship of college professors, or the dictatorship of housewives. Fortunately, neither industrial workers, nor housewives—I'm not so sure about college professors—aspire to state power.

Robert Michels, at a time (before the First World War) when European socialism, syndicalism, and even anarchism were seen as serious political forces—and at a time when he was a socialist himself—studied the German Social Democratic Party, the largest such party in the world. It was a Marxist party programmatically committed to democracy and socialism. But in *Political Parties*, Michels found that it was thoroughly oligarchic. An elite of politicians and party bureaucrats made all the decisions in the name of the vast majority of passive party members. This is a book which every anarchist should read, as its thesis has relevance, as Michels pointed out, to the anarchists too, whenever they leave the realm of pure thought and “unite to form political associations aiming at any sort of political activity.”²⁰¹ Similarly, syndicalism believes that “it has discovered the antidote to oligarchy. But we have to ask whether the antidote to the oligarchical tendencies of organization can possibly be found in a method which is itself rooted in the principle of

200 Noam Chomsky, *Occupy* (Brooklyn, NY: Zuccotti Park Press, 2012), 26.

201 Robert Michels, *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*, trans. Eden & Cedar Paul (New York: The Free Press & London: Collier Macmillan Limited, 1962), 327–28.

representation? Does it not rather seem that this very principle is in indissoluble contradiction with the anti-democratic protestations of syndicalism?”²⁰²

Notoriously, syndicalism is based upon representation and hierarchy. Even one of Chomsky’s academic supporters admits that. It’s a form of representative government.²⁰³ And now even Chomsky admits it.²⁰⁴ The essence of politics is representation.²⁰⁵ In an “advanced industrial society,” because of its extreme division of labor and high degree of technical specialization, many major decisions affecting ordinary life cannot be made in face to face neighborhood associations or in workers’ councils. Since syndicalists don’t challenge industrial society as such—they only want a change of ownership—they have to accept the specialization which it entails, and the supra-local scale at which many critical decisions would have to continue to be made. That means that, unless they want to invest all power openly and directly in technocrats, they must assign some power to representatives at a higher level of decision-making. And that’s hierarchy.

Some contemporary syndicalists might say that this is in some respects an obsolete critique. They may not necessarily be indifferent to environmental concerns, as Chomsky is,²⁰⁶ and (they may say) they’re not necessarily committed to accepting all of indus-

202 Ibid., 318.

203 MacGilvray, *Chomsky*, 193.

204 Chomsky, *Occupy*, 65.

205 Jacques Camatte & Gianni Collu, “On Organization,” in Jacques Camatte, *This World We Must Leave and Other Essays*, ed. Alex Trotter (Brooklyn, NY: Autonomedia, 1995), 20.

206 Marshall, *Demanding the Impossible*, 676.

trial technology in its current form. But—here—I am not criticizing contemporary syndicalism. I am criticizing Noam Chomsky. According to one of his editors, syndicalism considers Marxist economics to be “essentially correct.”²⁰⁷ Chomsky hasn’t expressed any disagreement.

In remarking that “the principle of equality before the law can only be partially realized in capitalist democracy” (149), Chomsky implies that equality before the law is a fine thing, which could and should be fully realized under democratic socialism. But this implies that he is a statist. There is no law without a state.²⁰⁸ The idea that anarchy, as the abolition of the state, is necessarily also the abolition of law, has not crossed his brilliant mind, although he would have encountered the idea in his anarchist readings, as meager as they are.

Chomsky’s syndicalism is based on a centralized national state:

It seems to me that anarchist or, for that matter, left Marxist structures, based on systems of workers’ councils and federations, provide exactly the set of levels of decision-making at which decisions can be made about a national plan. Similarly, State socialist societies also provide a level of decision making—say the nation [!]—in which national plans can be produced. There’s no difference in that respect. (146)

207 Carlos P. Otero, “Introduction to Chomsky’s Social Theory,” in Chomsky, *Radical Priorities* (1st ed.), 35.

208 Black, *Nightmares of Reason*, ch. 10.

Say what? Anarchism is internationalist, but Chomsky is a nationalist. In a sense, this is not surprising. He has always supported every Third World national liberation movement that has come along. That these movements, when they come to power, generally set up corrupt authoritarian regimes, and never carry out social revolutions, doesn't faze him. If a country like East Timor—he was championing its national liberation movement at the same time that he was defending the Khmer Rouge—is, as an independent nation, not a society of free producers, just another crummy little formally independent Third World state, the only possible explanation is Western malice.²⁰⁹ Chomsky supports all nationalisms—except American nationalism. Zionists have called Chomsky a self-hating Jew, unjustly I believe—he's not anti-Semitic, just anti-se-mantic—but he is certainly a self-hating American.

209 Third World nationalist regimes “have not led to a society of free producers,” but only because of “the objective conditions that Third World revolutions must endure, conditions in part imposed by Western malice.” (64-65). He said exactly the same thing in 1970. Chomsky, *Problems of Knowledge and Freedom*, 65. These excuses wear thin after 40 or 50 years, as in Algeria (which even toyed with “autogestion”—self-management—at first). No national liberation movements, not even before they assumed power, even pretended to aspire to a society of free producers. East Timor has resolved a dispute with Indonesia and Australia about how to divide up offshore oil rights: East Timor gets 50%. East Timor is not currently the victim of Western malice: it is dependent on Western food aid. Neither poverty nor Western malice explains why the national liberation movements of such countries as Zimbabwe and Vietnam, in power, established authoritarian regimes. They have not even set up political democracies, much less societies of free producers. Chomsky is living in a fantasy world.

Are there to be any international—or, if you prefer another word, worldwide—political institutions? Are six billion people to elect the directors of the International Monetary Fund?²¹⁰ According to Chomsky, workers’ self-management on the international level—hell, why not?—“It doesn’t mean that it doesn’t have representatives”—we don’t have to have a six billion Occupy-style general assembly—“it can have, but they should be recallable and under the influence and control of participants.”²¹¹ Participants in *what*: the global economy? Libertarian socialism might, of course, resolve this particular problem by abolishing money. But Chomsky has never advocated that, and, by endorsing financial institutions, he is endorsing money, since the only thing financial institutions do is move money around.

Much might be said, and needs to be said, about Chomsky’s foreign policy views, but not here. All I want to draw attention to here is Chomsky’s notion of a “national plan.” He accepts the nation-state as the highest unit of economic and therefore of social organization. The “national” part establishes his statism right there. (Of course, if he envisages, as did H.G. Wells and Bertrand Russell, an overarching world-state, so much the worse.) But, the “plan” part is also anti-anarchist. The neo-classical economists are right about one thing: a planned economy—also known as a command economy—is wasteful and inefficient.

210 Slavoj Žižek, “Discussion,” in Alain Badiou & Slavoj Žižek, *Philosophy in the Present*, ed. Peter Engelmann, trans. Peter Thomas & Alberto Toscano (Cambridge & Malden, MA: Polity Press, 2009), 97.

211 Chomsky, *Occupy*, 65.

Things never go according to plan. And it should be obvious that, regardless how much input a plan gets from the bottom up, the Plan adopted will come from the top down, on an or-else basis. And anarchists don't like to be commanded, or even planned. If, at the grass roots, they depart from the Plan, will they be arrested by the Plan Police or the Police Collective?

Where is this Plan to come from? A national economic plan isn't something that just anybody can draw up, not even if she is a class-conscious worker who has been taking night courses in business administration. Only economic experts can draw up a Plan. There are no economists today who are known to be anarchists, or even sympathetic to anarchism. After the Revolution, these experts will have to be recruited from the Revolution's enemies in the economics departments, just as the Bolsheviks recruited their secret police from the Czarist secret police. They respected expertise. The Bolsheviks were, in their own way, as they saw it, also experts: that was the Leninist idea, the vanguard party. They were experts in politics, regarded as just another profession for experts. That's the advanced industrial model of society. The Politburo was the original plan factory.

Chomsky's idea, which has no basis in anarchism—not even in anarcho-syndicalism, its most archaic and degraded version—is that economic planning is just another industry. Economic planners are just workers like everybody else: regular Joes, except they don't have to get dirt under their fingernails. Some workers produce food, some workers produce steel, and some workers produce plans: “It may be that

governance is itself on a par with, say, steel production,” and if it is, it too could be “organized industrially, as simply one of the branches of industry, with their own workers’ councils and their own self-governance and their own participation in broader assemblies.” (138) The only place I’ve come across this notion of a “plan factory” is in the early (1950s) writings of the late Cornelius Castoriadis, a former Trotskyist, at the time a left Marxist/council communist.²¹² Chomsky follows Castoriadis so closely that Castoriadis almost has to be his source, and I wonder why Chomsky doesn’t say so.

Let Chomsky again explain himself in his own words:

Oh yes, let’s take expertise with regard to economic planning, because certainly in any complex industrial society there should be a group of technicians whose task is to produce plans, and to lay out the consequences of decisions, to explain to the people who have to make the decisions that if you decide this, you’re like to get this consequence, because that’s what your programming model shows, and so on. But the point is that those planning systems are themselves industries, and they will have

212 Paul Cardan [Cornelius Castoriadis], *Workers’ Councils and the Economics of a Self-Managed Society* (London: Solidarity Group, 1972), ch. 7 (originally published in 1957), available online at www.marxists.org/archive/castoriadis/1972/workers-councils. It is also published, as “On the Content of Socialism, II,” in Cornelius Castoriadis, *Political and Social Writings*, trans. & ed. David Ames Curtis (Minneapolis, MN: University of Minnesota Press, 1988), 2: 90–154; concerning the plan factory, see *ibid.*, 119–123.

their workers' councils and they will be part of the whole council system, and the distinction is that these planning systems do not make decisions. They produce plans in exactly the same way that automakers make autos.

All it takes is "an informed and educated working class. But that's precisely what we are capable of achieving in advanced industrial societies." (146-47)

Well, we already have some advanced industrial societies, but where is the informed and educated working class? And where is there the slightest trace of worker interest in workers' councils? Workers' councils just mean that workers still have to keep doing their jobs, and just when they would like to go home and forget about work, they have to go to meetings.²¹³

Probably nothing better shows Chomsky's remoteness from, and ignorance of, the work of the working class than his confident assertion that making national economic plans is just like making automobiles. I was born in Detroit. My grandfather was an auto worker. What expert credentials do these facts confer upon me? None! I just thought I'd mention them. Does Chomsky think that national economic plans can be constructed on an assembly line? Does he know anything about how automobiles are made? Or that factory workers have nothing to say about how automobiles are made? Or that, because of a

213 Michael Walzer, "A Day in the Life of a Socialist Citizen," *Dissent* 15(3) (May 1968), reprinted in *Radical Principles: Reflections of an Unreconstructed Democrat* (New York: Basic Books, 1980), 118-128.

division of labor carried to extremes, factory workers don't know any more, in general, about the making of automobiles than does Noam Chomsky? It's as if he has never heard of Henry Ford, Taylorism, the assembly line, and "just in time"—although he has in fact heard of Taylorism. (224)

Does Chomsky suppose that work on the assembly line would be any more creative and self-fulfilling, as he and von Humboldt call for all activity to be, if the workers elected their bosses? Or took turns bossing each other? Does Noam Chomsky produce linguistic theory "in exactly the same way that automakers make automobiles" or homemakers bake cookies? Would he bow to the directives of the Linguists' Council? Or is he assuming that he will chair the Linguists' Council?

Just for laughs, let's imagine that a national Planners' Collective has been recruited out of the economics departments. These planners are unlikely to sympathize with, or even understand, the muddled leftist rhetoric of workers' control, participatory democracy, and all that rot. Because they are trained in neo-classical microeconomic theory, they have, in fact, no more expertise in planning industrial production than do social workers, performance artists, or linguistics professors. That kind of planning is something which, by now, so long after the fall of Eastern European Communism, probably nobody knows how to do, and which nobody ever did know how to do well. The scientific pretensions of economists, which have been discredited by recent economic developments, and not for the first time, are as credible as

the scientific pretensions of criminologists, astrologers, and certain linguists.

The planners of the national economy will need a bureaucracy, a very big one, if only to amass and digest the vast quantity of production and consumption statistics necessary to formulate rational plans on a national scale. (Assuming that people at the grass roots can be bothered to compile these statistics. What happens to them if they don't?) Real anarchists would eliminate every bureaucracy, governmental and corporate. That's basic. But Chomsky's national syndicalism can't do without one. And, as Bakunin, and even Marx explained, what bureaucracy does best is to perpetuate itself. And, as Weber explained, and Michels explained, and again Marx also made this point, the essence of bureaucracy is routinization. That will stifle the creative self-fulfillment of the bureaucrats too, who are, in turn, unlikely to facilitate the creative self-fulfillment of anybody else. That's not in their job description.

As Chomsky imagines it, the comrade planners will prepare a smorgasbord of plans to send downstairs. As the ultimate repositories and interpreters of all those statistics, and as the recognized experts at economic planning, they will naturally think that they know what is best for their fellow workers. They will consider one of their plans to be the best plan. They will want the fellow workers to adopt that plan. So the other plans will be presented as obviously inferior to the one they favor. And they *will* be inferior, if

only because the comrade planners will see to it that they are. Even if the comrade masses are suspicious, they will be unable to say why—and the Plan will surely be hundreds of statistics-ridden pages—and reluctant to send the planners back to the drawing board, because the deadline is imminent to replace the previous Plan.

This idea of a Planners' Collective is, for anarchists, grotesque. It's as if anything goes these days, and anything qualifies as anarchist, if it is assigned to a "collective." I have had occasion to ridicule an anarchist who wrote "The Anarchist Response to Crime," who believes that the anarchist response to crime should include Police Collectives, Forensic Laboratory Collectives, Detective Collectives, and Prison Guard Collectives.²¹⁴

These proposals should be repugnant to all anarchists. But anarchism has become fashionable, especially among refugees from the left who don't understand that anarchism isn't a sexier version of leftism, it is what it is, it is something else entirely, it is just anarchism and it is post-leftist. Why not a Rulers' Collective? That's what the Planners' Collective is. Chomsky used the word "governance." That's a euphemism for "government." "Government" is a synonym for "the state." Indeed, he refers to the delegation, from "organic communities"—whatever that means—of power to higher levels of government, and he is honest enough to use the word government. (137) I just

214 Scott W., "The Anarchist Response to Crime"; Bob Black, "An Anarchist Response to 'The Anarchist Response to Crime,'" both available online at www.theanarchistlibrary.org.

wish he was honest enough to stop calling himself an anarchist.

Technology

Chomsky's vision of an anarchist society is tightly bound up with his enthusiasm for the liberatory potential of industrial technology. Industrialization and "the advance of technology raises possibilities for self-management over a broad scale that simply didn't exist in an earlier period." (136) He doesn't consider whether the advance of technology destroyed possibilities of self-management, as it did. This is somewhat inconsistent for Chomsky, because he has celebrated the self-management, during the Spanish Revolution, of the Barcelona workers (where industry was backward even by 1930s standards) and the peasants of Catalonia and Aragon, whose technology was not much beyond Neolithic. The Makhnovist peasant anarchist insurgents of the Ukraine were at least as technologically backward. Their idea of advanced technology was tractors. Our best examples of anarchist self-management in practice, then, involve people using technology which was far from advanced, even for their own time. We have, in fact, no examples of anarchist revolutions in truly advanced industrial societies, although there are some anarchists in these societies. Perhaps the anarcho-primitivists deserve a hearing after all.²¹⁵

Technophile anarchists, and not only anarchists, do a lot of hand-waving and flag-waving, but, after they

215 See, e.g., *Uncivilized: The Best of Green Anarchy* (n.p.: Green Anarchy Press, 2012).

calm down, all they really have to say is that advanced technology will reduce the amount of work that has to be done. It will always solve all the problems that it creates, and all other problems too, just like it does in science fiction. It's a panacea. Technology is, for Chomsky, "a pretty neutral instrument." (225) Thus Chomsky asserts that much socially necessary work "can be consigned to machines." (136-37)

But it's never worked out that way. "For centuries, since this country began"—this starts out sounding like, to me, another of his fairy tales, "once upon a time"—the United States was a "developing society." A very flawed society, of course (slavery, imperialism, institutional racism, rampant violence, political corruption, religious fanaticism, ruthless exploitation of the working class, and what was done to the Indians—although Chomsky mentions none of this): "But the general progress was towards wealth, industrialization, development, and hope."²¹⁶ This is about as fatuous and one-dimensional an understanding of American history as I have ever seen, even in junior high school history textbooks. It's even more stupid than the stuff his historian buddy Howard Zinn used to write. Chomsky now acknowledges that even during the good old days, wealth, industrialization, development, and working hours went up, and income stagnated or went down.²¹⁷ Technology advances, productivity goes up, working hours go up—if technology is neutral, why is it having these consequences?

216 Chomsky, *Occupy*, 24-25.

217 Chomsky, *Occupy*, 24-25, 29.

The Marxist concept of socially necessary labor is problematic. Necessary for what, and for whom? Among some anarchists, the concept of work itself has been challenged for many years.²¹⁸ Industrial technology has never reduced the hours of work in the 20th or 21st centuries. In the last 60 years, for instance, in the United States, productivity has increased enormously, driven by advanced technology, but the hours of work, in the last 50 or 60 years, have increased, until they are the longest in the Western world. Even Chomsky knows this. This has nothing to do with the level of technology. It has something to do with the level of class struggle, which has declined throughout this period, and something to do with the decline of traditional heavy industry—caused in part by more advanced technology. American workers are doing more work, and worse work, than they have had to do in a very long time. I’m not aware that conditions are better anywhere else.

Exactly what socially necessary work can be consigned to machines—and to what machines—nobody can say, since these machines do not exist, and probably never will. The idea is some sort of science-fiction nerd/geek fantasy of a pushbutton paradise. Really it amounts to a longing for robot slaves.

218 Bob Black, “The Abolition of Work,” *The Abolition of Work and Other Essays* (Port Townsend, WA: Loompanics Unlimited, n.d. [1986]), 17–33; CrimethInc. Ex-Workers’ Collective, *Work* (n.p.: CrimethInc., 2011).; David Graeber, *Fragments of an Anthropologist Anthropology* (Chicago, IL: Prickly Paradigm Press, 2004), 79–82; *Why Work? Arguments for the Leisure Society* (London: Freedom Press, 1983). The writings of Charles Fourier, William Morris, Ivan Illich and others contain powerful critiques of work.

Aristotle, who was an upholder of human slavery, once let his imagination wander, and he imagined machine slaves; but then, he regarded human slaves as machines too.²¹⁹ Some thinkers (Hegel, for one) have thought that slavery degrades the master as well as the slave. This was a popular theme in the American anti-slavery movement, and it was an opinion held earlier by enlightened slaveowners such as Thomas Jefferson. Possibly living off robot slaves would degrade the owner too. He might get fat and lazy. That is what Chomsky should think, if he seriously believes what von Humboldt had to say about self-realization and creativity as the highest development of men. It's not so much that Chomsky doesn't believe in this ideal—which was better expressed by Friedrich Schiller, Max Stirner and William Morris, than by von Humboldt or himself—as that he doesn't understand it.

Easily the most revealing text in *Chomsky on Anarchism* is the interview with the BBC. In all the other interviews, Chomsky's sycophants ask him questions for which, as they know, he has well-rehearsed answers. The BBC interview is one of the places where he avers that anarchism is the “rational mode of organization for an advanced industrial society . . . I think that industrialization and the advance of technology raise possibilities for self-management over a broad scale that simply didn't exist in an earlier period.” (136)

This kind of vacuous rhetoric is good enough for the likes of fanboys like Barry Pateman, but the BBC's

219 Aristotle, *The Politics*, 36–37, 43.

Peter Jay was not to be fobbed off so easily. He was out to get a good story, not to glorify Chomsky. If he wasn't already familiar with the obvious deficiencies of high-tech anarcho-syndicalism, he quickly picked up on them from listening to Chomsky's windy pomposities. Jay asked about what "residual forms of government would in fact remain" (137)—Chomsky did not object to this formulation, he only said that "delegation of authority is rather minimal and that its participants at any level of government should be directly responsible to the organic community in which they live." (137) In other words, the anarcho-syndicalist regime is a "government," a state. And so Chomsky is not an anarchist. Just what "organic community" could possibly refer to, in a high-tech society with a government, he does not say. It's just a meaningless feel-good phrase, like "organic food."

Peter Jay was quick to realize that Chomsky wanted to have it both ways. Chomsky wants all the conveniences and luxuries that he gets from industrial capitalism—he is in a very high income bracket (229)—but without industrial capitalism. An anarchist revolution would put an end to industrial capitalism. Chomsky wants to maintain, after the Revolution, the prevailing (as he supposes) high standard of living and extend it to everybody in the world. He may not be sufficiently aware that, even in the United States, the standard of living of very few people is as high as his is. Few Americans feel economically secure, not even many who would be considered rich in most other countries. Most jet-setters and globe-trotters, unlike Chomsky, have to pay their own airfare.

In the Third World, as he knows, the standard of living is much, much lower. He shows no awareness of how much exploitation of resources, and of workers, it takes to sustain his own high standard of living, which could never possibly be extended to the whole world. We would use up everything useable on this planet long before that millennium arrived. And Chomsky would probably not dismiss the problem in the casual way that the science fiction writer Robert Heinlein did: "We've used up this planet, let's get another one."

Jay asked him how, under anarchism, it would be possible "to sustain anything like the standard of living which people demand and are used to." Chomsky's reply: "Well, there's a certain amount of work which just has to be done"—why? what work? done by whom?—"Well, there's a certain amount of work which just has to be done if we're to maintain that standard of living. It's an open question how onerous that work has to be. Let's recall that science and technology and intellect have not been devoted to examining the question or to overcoming the onerous and self-destructive character of the necessary work of society." (141) I'd like Chomsky to say just what he means by work, what he means by "onerous," and why he thinks some of it just has to be done. He could learn a lot about these things if he actually read those anarchist publications he claims to subscribe to, "more out of duty than anything else."

An anarchist of even modest acquirements would contest the very concept of the standard of living. Anarchy would not raise, or lower, the standard of living, which is a quantitative concept, and not a very

well thought-out concept at that, and which is meaningless except with reference to the concepts of bourgeois political economy. Anarchy would be a qualitative transformation of society, a new way of life. If the current standard of living cannot be maintained without work—which is certainly true—that’s not an argument against work, it’s an argument against the current standard of living.

During an interview with his yes-man Barry Pateman, he (Chomsky himself) asked the rhetorical question: “What are you going to do with people who *don’t want to work* or people with criminal tendencies or *who don’t want to go to meetings?*” (221 [emphasis added]). I suppose we expected to be shocked by these worst-case scenarios, which are, for me, more like best-case scenarios. For Chomsky, slackers, criminals, and people who are indifferent to politics, are all deviant social undesirables. He doesn’t answer his own question. He doesn’t say what should be done with them—with *me*. But just asking the question is ominous, as it implies that Chomsky doesn’t understand why some people don’t want to work, or why some people commit crimes, or even why some people don’t like to go to stupid political meetings. Will the solution be forced labor, criminal punishment (or, even worse, “rehabilitation”), and compulsory attendance at meetings? Where do I have to go and what do I have to do to get my ration card stamped? Whose grapes do I have to peel? Whom do I have to blow?

For a genius, Chomsky can be pretty clueless. He suggests that opportunities for productive and creative

work “are enormously enhanced by industrialization.” (144) Even Adam Smith recognized that the extension and intensification of the division of labor would stultify and stupefy the workers—the vast majority of the population. All the evidence confirms that Smith, not Chomsky, is right. Industrialization annihilated the craft skills of pre-industrial society, and also the conditions of worker solidarity in which they had often been practiced. It sometimes gave rise to some new types of skilled work, but it went on to de-skill industrial work whenever possible, and it was usually possible. The world has endured over 200 years of industrialization, which has never enhanced, much less enormously enhanced, opportunities for creative work, it has only increased opportunities for productive work—*i.e.*, just plain work, since the bosses don’t pay anyone to do *un*productive work, except themselves. Too bad Chomsky doesn’t read some of those anarchist periodicals he grudgingly subscribes to.

Chomsky seems to know more about the peasantry of East Timor than he knows about the working class of the United States or Europe; although, maybe he doesn’t know that much about East Timorese peasants either. For American leftists like him, the farther away the revolting peasants are, the better. FRETILIN in East Timor, and the Khmer Rouge in Cambodia, and the Vietcong in Vietnam, have all been at the exact maximum distance—on the opposite side of the world—12,000 miles away from the United States. For American academics, intellectuals and college students to support them—with words only, of course—is easy enough. We don’t have any peasant

revolutionaries here, because we don't have any peasants in the United States, only commercial farmers and agri-businesses whose prosperity largely depends on Federal government farm subsidies. This is the Federal government which Chomsky wants strengthened.

Chomsky on trade-unions: "Unions have been enemies of workers, but they are also probably the most democratic form of organization that exists in our highly undemocratic society." (219) As everyone who has interested himself in this question knows, or who has ever been a member of an American union (as I have), all American unions are undemocratic. I previously quoted Robert Michels. In his introduction to Michels' book *Political Parties*, Seymour Martin Lipset writes:

Michels' analysis is of particular pertinence in the study of trade union government. With few exceptions such analyses are concerned with the absence of an active democratic political life. Union after union, in America and in other countries, are [sic] revealed as being governed by one-party oligarchies consisting of a political apparatus, able to maintain itself in power indefinitely, and to recruit its own successors through cooptation.²²⁰

Lipset elsewhere states again that almost all American unions "are characterized by a one-party oligarchy."²²¹

220 Seymour Martin Lipset, Introduction to Michels, *Political Parties*, 23-24.

221 Seymour Martin Lipset, Martin A. Trow, & James S. Coleman, *Union Democracy* (Glencoe, IL: The Free Press, 1956), 3.

His conclusion is that “the functional requirements for democracy cannot be met most of the time in most unions and other voluntary groups.”²²² And specifically, following Michels, he states: “Even anarchist and labor groups, whom we might expect to be highly sensitive to the dangers of oligarchy, have succumbed to the blight.”²²³

The Democratic Mirage

Noam Chomsky is an ardent believer in democracy, which, once again, proves that he is a statist, not an anarchist. Democracy is a form of government. Anarchy is society without government. As George Woodcock—an anarchist critic of Chomsky for not being an anarchist, as we have seen—has written: “No conception of anarchism is further from the truth than that which regards it as an extreme form of

222 Ibid., 403.

223 Ibid., 8. Another social scientist, having investigated four large unions at the local level (which would be, presumably, the most democratic level), concluded that, “for all the commendable and imaginative elements found in the government and administration of these unions, it is not possible to say that any one of them constitutes a democratic union.” Alice H. Cook, *Union Democracy: An Analysis of Four Large Local Unions* (Ithaca, NY: Cornell University, New York State School of Industrial and Labor Relations, 1963). As early as 1949, a leftist militant complained that “labor’s democracy today, like that in society generally, is not a meaningful one. It is a manipulative type of democracy.” Sidney Lens, *The Crisis of American Labor* (New York: Sagamore Press, 1949), 293–94. Lens also mentions a fundamentally important fact—more true than ever, but not acknowledged by Chomsky—“Ours is the only labor movement that endorses the free-enterprise system.” Ibid., 19.

democracy.”²²⁴ This is true by definition, but that has not stopped some anarchists from trying to make anarchism popular by identifying it with democracy, the regnant political dogma of the 20th century. Whereas what we need to do is, as the Situationists put it, to leave the 20th century. I don’t think that democracy is popular. It’s just fashionable, and probably not even fashionable, except among some professors and students.²²⁵ There is nothing democratic about the governance of colleges and universities, which is where the democratic theorists nest. There are no demands by anyone to democratize them, as there were in the 1960s and early 1970s (I was one of the students advocating campus democracy). I am not aware that in his many decades as a professor at the Massachusetts Institute of Technology that Noam Chomsky has ever advocated campus democracy. Democracy in factories, democracy in East Timor, sure, but not democracy at MIT! NIMBY—Not In My Back Yard!

Whatever democracy might theoretically mean, in the real world, “democracy is a euphemism for capitalism. . . . Every time an anarchist says, ‘I believe in democracy,’ here is a little fairy somewhere that falls down dead”:

When anarchists declare themselves to be democrats for respectability’s sake, so they

224 George Woodcock, *Anarchism: A History of Libertarian Ideas and Movements* (Cleveland, OH & New York: Meridian Books, 1962), 33. In agreement with Woodcock is David Miller, *The Encyclopedia of Democracy*, ed. Seymour Martin Lipset (Washington, D.C.: Congressional Quarterly, 1995), q/v “Democracy.”

225 Black, *Debunking Democracy*, 1.

can get on better at university research departments, so they can tap into a shared and honourable left tradition, so they can participate in the global forum, when they crown their decomposition by saying, “we’re democrats true, we’re true democrats, participatory democrats,” they ought not to be surprised at how enthusiastic democracy is to return the compliment, and of course extract its price.²²⁶

All anarchists should get into their heads, those of them who have some room for it there, the truth that democracy isn’t anarchy at all, it’s the final stage of statism. It’s the last wall of the castle. It’s the curtain with the man still behind it.

Admittedly, even some of the classical anarchists thought that there was something democratic about anarchism. On this point, they were wrong. Many other anarchists have agreed with George Woodcock (and I am one of them).²²⁷ As Albert Parsons, one of the Haymarket martyrs, put it: “Whether government

226 Monsieur Dupont, “Democracy,” *Anarchy: A Journal of Desire Armed* No. 60 (23)(2) (Fall-Winter, 2005-06), 39, 41.

227 Godwin, *Enquiry Concerning Political Justice*, 216 ; P.-J. Proudhon, *General Idea of the Revolution in the Nineteenth Century*, trans. John Beverley Robinson (London: Freedom Books, 1923); “An Essay on the Trial by Jury,” in *The Collected Works of Lysander Spooner* (Weston, PA: M & S Press, 1971), 2: 206-07, 218-19; Henry David Thoreau, “Civil Disobedience,” in *Walden & Civil Disobedience* (New York: Signet Books, 1963), 223; Stirner, *Ego and Its Own*, 75, 97; Leo Tolstoy, *Writings on Civil Disobedience and Nonviolence* (Philadelphia, PA & Santa Cruz, CA: New Society Publishers, 1987), 300; Errico Malatesta, *Anarchy* (London: Freedom Press, 1974), 14; Emma Goldman, *Red Emma Speaks*, 36-37; Albert Parsons, quoted in *Quotations from the Anarchists*, ed. Paul

consists of one over a million or a million over one, an anarchist is opposed to the rule of majority as well as minority.”²²⁸ Something not so obvious in the past, but obvious now, is that it’s impossible to be both anti-capitalist and pro-democratic.²²⁹ And yet the noisiest anarcho-leftists, such as the ones published by AK Press and PM Press, are democrats.

Rudolf Rocker, who is one of the very few anarchists whom Chomsky has read, and whom he has described as the last serious thinker, thought that anarchism was the synthesis of liberalism and socialism. But Rocker explicitly did *not* consider democracy to be any part of this synthesis. He considered democracy to be inherently statist and anti-socialist and anti-liberal. Rocker was right. Chomsky is wrong. Chomsky is always wrong.

Noam Chomsky, Model Citizen

Professor Chomsky asserts: “If you act in violation of community norms, you have to have pretty strong reasons.” (239) If you are right and the community is wrong, isn’t that a pretty strong reason? What better reason could there possibly be? But the real issue here is Chomsky’s assumption that state law embodies community norms. He makes clear that by community norms, he means the laws of the state. You don’t

Berman (New York: Praeger Publishers, 1972), 42; see Black, *Nightmares of Reason*, ch. 17, & Black, *Debunking Democracy*.

228 “Albert Parsons on Anarchy,” in *Anarchism: Its Philosophy and Scientific Basis* (Chicago, IL: Mrs. A.R. Parsons, Publisher, 1887), 94.

229 Alain Badiou, “Discussion,” *Philosophy in the Present*, 88–90.

even have to be an anarchist to notice that some laws don't codify community norms, and that some community norms are actually illegal. He brags that he stops at red lights even at 3:00 A.M. when no pedestrians or other motorists are around. (239) Under the circumstances, running a red light is a victimless crime. But for Chomsky, who respects the law, there can be no such thing as a victimless crime.

He isn't kidding about the red light, as shown by an anecdote recounted by one of his fans, Jay Parini. They were walking down a road and came to a crossing:

the light was red, but—as is so often the case in Vermont—there was no traffic. I began, blithely, to cross the intersection, but realized suddenly that Chomsky had refused to work against the light. Mildly embarrassed, I went back to wait with him at the curb until the light turned green. It struck me, later, that this was not an insignificant gesture on his part. He is a man profoundly committed to law, to order—to the notion of a world in which human freedom operates within a context of rationally agreed-upon limits.²³⁰

Surely this was another victimless crime.

As Chomsky now does, I once lived in a Boston suburb, although his (Lexington) is for rich people whereas mine (Watertown) was working class. The community norm in the Boston area is that, when

230 Jay Parini, "Noam Is an Island," *Mother Jones*, Oct. 1988, 41, quoted in Rai, *Chomsky's Politics*, 162.

the traffic light changes from green to red, the first four or five cars run the red light. I don't approve of this custom, but it does exist. Community norms are often different from the laws of the state. You don't even have to be an anarchist to know that, but Chomsky doesn't know that. There's a lot about real life that Noam Chomsky doesn't know.

The majority of American adults don't vote, which makes them better anarchists than Chomsky is. He says: "On local issues I almost always vote. Usually the local elections make some kind of difference, beyond that it is . . ." (241) — the sentence trails off, since it could hardly be completed without saying something foolish. United States government is decentralized in theory, but centralized in practice. Local elections make much less difference than state elections, which is why voter turnout is much lower there. State elections make much less difference than national elections, which is why voter turnout is lower there too. But it's low at all levels, and what they all have in common is that nobody's individual vote ever determines the outcome. To vote is only a way of pledging allegiance to the democratic state. That's why anarchists who understand anarchism don't vote. Here is an explanation, reflecting more thought about voting than Chomsky has ever devoted to it, by contemporary anarchists:

An anarchist has a larger view of the world than its political systems and politicians allow for. We must keep ahold of that perspective and it is not a simple task; we are constantly bombarded with the simplistic messages and

worldviews conveyed by commercialism and politics. To effectively vote, one must engage with the dynamics and arguments that are being voted upon and this will necessarily narrow one's perspective. It is not that the act of voting in a vacuum is bad or destructive, in fact it just doesn't matter. But engaging in the liberal/conservative banter renders one relatively thoughtless.²³¹

Chomsky says that “representative democracy is limited to the political sphere and in no serious way encroaches on the economic sphere.” (134) That's for sure! He identifies collusion between “huge and large unaccountable economic tyrannies” and “powerful states.” (188) He tells us that the major parties in the American two-party system are just two wings of the business party, the capitalist party. (157) Again, he is absolutely right. It should follow, then, that—in the anarcho-syndicalist tradition—Chomsky should reject anarchist electoral participation.

Since the state supports capitalism—or, at least, the state can do nothing in a “serious way” to control or regulate capitalism—it would seem to be obvious that anarchists and, for that matter, anti-state communists, should not vote or do anything to confer legitimacy on the democratic state. Most do not. But it will not surprise any reader who has stuck with me this far that this is not the conclusion which Chomsky draws from his own premises.

Chomsky is, in *Chomsky on Anarchism*, evasive or worse about discussing his own voting. He dodged a

231 *Anarchy* 101, 124.

question about whether he votes for the Democratic Party. (212-13) He suggests that anarchists should vote in “swing states.” This can only refer to American Presidential elections, where, under the idiotic system known as the Electoral College, to be elected, a candidate must receive the votes of a majority of “electors,” which does not mean voters. The plurality winner in each state gets all the votes of its electors, and the candidate who collects an absolute majority of electoral votes (270 votes), wins the election. We have 50 states plus the District of Columbia casting electoral votes. In at least 40 of these states, usually more, it is certain that either the Republican or the Democratic presidential candidate will win. It is common knowledge, for example, that Massachusetts will always vote for the Democrat and Arizona will always vote for the Republican. They are “safe states.” Therefore the advertising and campaigning are concentrated on the 6-10 swing states. It has happened a number of times, most recently in 2004, that a candidate won the national popular vote but lost the electoral vote.

Chomsky lives in Massachusetts, which always votes Democratic, so he should never vote in national elections. But he does. He lied in saying that he only votes in local elections. In 2004, “people like Noam Chomsky and a horde of self-proclaimed Progressives have thrown their weight behind the [John] Kerry campaign, bleating in unison. ‘Anybody but Bush.’”²³² Kerry was certain to win the vote in Massachusetts, not only because the state always votes for the Dem-

232 Lawrence Jarach, “Anarchists Have Forgotten Their Principles,” *Anarchy: A Journal of Desire Armed* No. 58 (22)(2) (Fall/Winter 2004-2005), 3.

ocrat, but also because Kerry himself was a popular Senator from Massachusetts who is still in office. Unfortunately, Chomsky was not the only anarchist to vote in that election. It's a source of shame.

Chomsky apparently argued, in 2004, that the election of Kerry over George W. Bush would alleviate some hardship and suffering. I doubt that it would have made much difference, but, even if it did, for anarchists, there are other considerations:

It should be obvious that a position like this directly demeans the importance of any genuine radical activity (attempting to take back our lives) in favor of complicity or collaboration with capitalist and statist institutions (like political parties). Whenever just about *any* type of differences between candidates may potentially result in the amelioration of some social problem there will be people calling for the renunciation of social radicalism in favor of the candidate who has promised (or hinted that he or she might) do something about it. Those who succumb to this ransom logic will continually betray the radical commitments in order to fall in line supporting the "lesser evil." And the "lesser evil" will continue to mean supporting capital and the nation-state.²³³

Ultimately, Chomsky did vote in 2004—not for Kerry, as he was advising other people to do, but for

233 Jason McQuinn, "Part-Time Anarchists: Voting for Empire," *Anarchy: A Journal of Desire Armed* No. 58 (22)(2) (Fall/Winter 2004/2005), 2.

Ralph Nadar, the Green Party candidate, who was even more authoritarian than the major party candidates. Nadar advocates making voting compulsory. Chomsky voted for Nadar, he explained, because Massachusetts was a safe state for Kerry, which should mean, according to Chomsky, that he had no reason to vote at all.²³⁴ In other words, whether a state is safe for the Democrats or not, anarchists should vote. There is always a lesser evil, although, the lesser of two evils is still evil.²³⁵ No state of affairs, or affairs of state, could ever keep Chomsky out of the voting booth.

In 2008, Chomsky endorsed the Democratic presidential candidate, Barack Obama, for voters in swing states.²³⁶ By 2010, he was denouncing the Obama administration's subservience to big business and its perpetuation (in Iraq) and intensification (in Afghanistan) of the militarist foreign policy of his Republican predecessor.²³⁷ So, naturally Chomsky endorsed Obama again in 2012.²³⁸ He just doesn't get it.

Contrary to any rational understanding of anarchist principles, Chomsky believes that, as Peter Marshall described his position, "a degree of state intervention will be necessary during the transition from

234 *CounterPunch*, June 25, 2004, available at www.chomsky.com.

235 Sy Leon with Diane Hunter, *None of the Above: The Lesser of Two Evils . . . Is Evil* (Santa Ana, CA: Fabian Publishing Company, 1976).

236 www.huffingtonpost.com

237 Noam Chomsky, *Hopes and Prospects* (Chicago, IL: Haymarket Books, 2010).

238 digitaljournal.com/article/317710.

capitalist rule to direct democracy.”²³⁹ That is the “transitional” period for Marxism-Leninism before the state withers away. Indeed, Chomsky doesn’t want to wait for the transition—it would be a very long wait—he wants to strengthen the state *now*. But if the state serves capitalism, it is absolutely crazy to say, as he does, that state and corporate power are “pretty much” inversely proportionate. (213) They are closer to being directly proportionate.

Chomsky explains: “My short-term goals are to defend and even strengthen elements of state authority which, though illegitimate in fundamental ways, are critically necessary right now [this was in 1996] to impede the dedicated efforts to ‘roll back’ the progress that has been achieved in extending democracy and human rights.”²⁴⁰ (193) “I mean,” he says, “in my view, and that of a few others, the state is an illegitimate institution. But it does not follow from that that you should not support the state.” (212) It doesn’t? Just what would it take for Noam Chomsky *not* to support the state? We will never know, since he will always support the state.

“Rather unusually for an anarchist,” writes Milan Rai, “Chomsky is favourably disposed to the idea of

239 Marshall, *Demanding the Impossible*, 674.

240 “Progressive taxations, Social Security isn’t [sic] anarchist, but it’s a reflection of attitudes and understandings which, if they go a little bit further, do reflect anarchist commitments.” (231) If you think (as Chomsky does) that when government does a little bit to help some people, that’s almost an “anarchist commitment,” you are a moron. You are not even smart enough to be a liberal. Even Elizabethan England had Poor Laws. Even Barry Pateman seems uneasy with Chomsky’s position. (8)

forming a mass political party in the United States.”²⁴¹ Almost universally, anarchists of every tendency reject political parties and electoral politics. A representative statement, by (I can quote him too) anarcho-syndicalist Rudolf Rocker, is that “practical experience has shown that the participation of the workers in parliamentary activity cripples their power of resistance and dooms to futility their warfare against the existing system. Parliamentary participation has not brought the workers one iota closer to their goal; it has even prevented them from protecting the rights they have won against the attacks of the reaction.”²⁴² Nearly all contemporary anarchists agree, except that most do not belong to what remains of the industrial proletariat²⁴³ and most do not think that anarchism has any special relation to the working class as to a privileged revolutionary agency. Certainly the workers don’t think so. Anarchism is not just for the exploited. It is for all the dominated and for all the free spirits. All anarchists, unlike most Marxists, reject political parties. They are not following around *that* old bag of rags.

In his recent pamphlet *Occupy*, Chomsky has, perhaps because old men like us tend to get garrulous, finally made it explicit that he is against revolution: “To have a revolution — a meaningful one — you need a substantial majority of the population who recognize or believe that further reform is not possible within the institutional framework that exists. And there is

241 Rai, *Chomsky’s Politics*, 111.

242 Rocker, *Anarcho-Syndicalism*, 114.

243 Nicholas Walter, “Introduction” to Rocker, *Anarcho-Syndicalism*, xviii.

nothing like that here, not even remotely.”²⁴⁴ So of course Chomsky would be indifferent to anarchists like Rudolf Rocker who object to voting on the ground that participation in government compromises anarchism, anarchism considered as the principled rejection of government, and anarchism considered as revolutionary.

I can't think of many “meaningful” revolutions—I'm not sure I can think of any revolutions—which have ever satisfied Chomsky's criterion. Not the English, American and French revolutions (any of the French revolutions) to mention just a few. “Meaningful revolution” is another warm, fuzzy, vacuous phrase, like “organic community.” What would be an example of a meaningless revolution? Chomsky is thought to be a man with a razor sharp mind, but when he strays beyond linguistics and investigative journalism, his mind turns to mush, but unfortunately, he blathers on.

Even if there was now a substantial revolutionary majority, Chomsky would not be part of it, because he believes that we are nowhere near the limits of what reform can carry out.²⁴⁵ And he can always say that, somebody will always be able to say that, no matter what happens, so long as the electoral farce continues. If global warming melts the icecaps and drowns the coastal cities, a good government—with a lesbian Eskimo, perhaps, as President—can always enact a program to plant citrus groves in Alaska (farm

244 Chomsky, *Occupy*, 59.

245 Chomsky, *Occupy*, 60.

subsidies again). Also another bailout . . . a *literal* bailout. Tax credits for buying buckets.

Occupy is the revealing, shameful sequel to *Chomsky on Anarchism*. Anarchists—usually veterans of the anti-globalization movement—played major roles in founding the Occupy movement, participating in it, and by influencing its decision-making procedures, and in its not making demands. That last part really bugged the journalists. Occupy, at its best, was always critical and never constructive. It was neither reformist nor revolutionary, although both reformists and revolutionaries were involved in it. Chomsky was probably highly regarded by some Occupy people. He delivered a speech at Occupy Boston which is reprinted in the pamphlet.²⁴⁶ For him, Occupy is the greatest thing since sliced bread, or since the internal combustion engine, or since double-entry bookkeeping. So what does he have to say about anarchists and anarchism as related to Occupy?

Nothing! In one interview reprinted in the pamphlet, he was asked, point-blank, whether he considered Occupy to be an anarchist movement. This was his chance to say, “yes, finally!” or, more cautiously, “yes, but . . . “ or say *something* pertinent—but instead, he rambled on about Tunisia and Egypt, and never answered the question.²⁴⁷

The next time he was asked about anarchy—specifically, if he considered anarchy to be “an ultra-radical version of democracy,” he replied:

246 Chomsky, *Occupy*, 23-51.

247 Chomsky, *Occupy*, 58-59.

First of all, nobody owns the concept of “anarchism.” Anarchism has a very broad back [something he’d said in his 1970 introduction to Guérin (118)]. You can find all kinds of things in the anarchist movements. So the question of what an anarchist society can be is almost meaningless. Different people who associate themselves with rough anarchist tendencies have very different conceptions.

But the most developed notions that anarchist activists and thinkers have had in mind are those for a highly organized society—highly structured, highly organized—but organized on the basis of free and voluntary participation.²⁴⁸

Did I overlook something, or did Chomsky, for the second time, avoid answering a question about the relationship of anarchism to Occupy, in an interview reprinted in a pamphlet by him *about* Occupy, and him claiming to be an anarchist, and claiming to find some value in the Occupy movement? Even the admirers who worship him, his interviewers here, couldn’t get straight answers out of him to some simple questions about anarchism. Just because anarchists are diverse in their views—something which Chomsky regards with distaste—doesn’t mean that the concept of anarchism is “almost meaningless.” It might mean, and it does mean, that anarchists differ about, or just aren’t sure about, how the basic anarchist principle—society

248 Chomsky, *Occupy*, 64.

without the state — can be realized as an anarchist society: as anarchy. Chomsky is hiding his statism behind the skirts of an anarchist diversity of opinion which he doesn't even respect, and which, to a considerable extent, he is, by his own choice, ignorant of.

Conclusion

Insofar as my purpose has been to show that Noam Chomsky is not an anarchist, it is accomplished. Chomsky is not an anarchist—because he advocates a national syndicalist state; because he advocates a “transitional” post-revolutionary state; because he advocates obedience to state law (because it is the law); because he advocates voting; because he advocates a reformist political party; and because he advocates strengthening the existing national state. There is something on this list, usually several items on this list, to disqualify Chomsky as an anarchist by the standards of any anarchist, past or present. His program is, in one way or another—usually in one way *and* another, and another . . . —repugnant to all anarchists including communists, mutualists, neo-platformists, greens, individualists, syndicalists, autonomists, primitivists, insurrectionists, and post-leftists. He would be repudiated by every anarchist he has ever mentioned, including Bakunin, Kropotkin and Rocker. They were for revolution. Chomsky is against revolution.

It would seem that my work is done. What I've said about Chomsky is like what the loudmouth lawyer in the film *My Cousin Vinny* told the jury in his opening statement: “Uh . . . everything that guy just said is bullshit. Thank you.” Everything that Chomsky

has said about anarchism is bullshit. So is a lot of what he has said about other things, such as technology, democracy, human nature and natural rights. Thank you. But I have trouble letting go. There's something more about how Chomsky is alien to anarchism. An anarchist should be anarchistic. Chomsky isn't.

Anarchists denounce, as they should, the hackneyed equation of anarchy with chaos. But for anarchists who are anarchists in feeling as well as in thinking—and there is no real thinking without feeling—there is also, in their vision of anarchy, elements of indeterminacy, risk, adventure, inspiration, exaltation, play (*definitely* play), sex (*definitely* sex), and even love: elements of chaos. Proudhon wrote that liberty is the mother, not the daughter of order. But liberty had another child: chaos. Anarchy is the synthesis of order and chaos. But maybe our enemies and defamers have a point. Maybe anarchy, if it really has some special connection to creativity, as Chomsky suggests, has a soft spot in its heart—the “new world in our hearts” of which Durutti spoke—for chaos too.

Chomsky is quite sure (he always is) that his vague conception of human nature—when he isn't pretending not to have one—entails a conception of human beings as intrinsically creative beings. In his debate with Michel Foucault,²⁴⁹ it became clear (and Chomsky admitted this) that when Chomsky speaks of creativity, he's not referring to artistic or scientific creativity, he's referring to the way that, after their as-

249 Chomsky, “A Philosophy of Language,” *Chomsky/Foucault Debate*, 133. Chomsky obviously didn't understand anything that Foucault had to say.

tounding childhood achievement of language acquisition, people actually talk. Before age two, we are all Einsteins and da Vincis. By age six, we're not, except for the occasional Chomsky.

I am unimpressed by Chomsky's impoverished, minimalist notion of creativity. The more people talk, the less they seem to have to say. I don't read or hear very much which exhibits any creativity in language or thought, in any way that matters. I'm not impressed by the fact that anybody can and does produce sentences which have never been articulated before, considering what those sentences say, or try and fail to say, or just don't say. I'm more impressed with what's never been said but which I long to hear—the unspeakable! I really don't care how language is acquired, unless that has something to do with how it can be used in extraordinary, exciting, and potentially emancipatory ways. This is a connection, if there is one, which Chomsky has never made, and if the great linguist can't make the connection, who can?

Apparently language doesn't have this potential, not for Chomsky, and this doesn't concern him. His utopia is rationalized, humanized, institutionalized—and utterly ordinary. Creative language doesn't enter into creating the brave new world of fulfilling factory labor and, after punching out, workers forced into its very frequent, democratically conducted, broadly participatory, and very long meetings.

But there are many visionaries, such as Blake, Rimbaud, Kraus, Joyce, Artaud, who have strained against the limits of language, limits which Chomsky considers to be inherently enabling, constitutive,

maybe liberating. Maybe he should have read some of them, even if it meant reading fewer newspaper clippings. Anarcho-syndicalism, high-tech industrialism, meaningful work, healthier food, representative democracy, human rights, moralism—why, all that’s just common sense! I wonder if the word “poetry” appears in any of Chomsky’s 70 books. Or is it 80?²⁵⁰ Why should we risk “our lives, our fortunes, and other sacred honor” (this from the American Declaration of Independence) on the off-chance of self-managing a kinder, gentler version of the world we’re so sick of?

As little as Chomsky knows about anarchism, he knows less about anarchy. I don’t attach much value to novelty for its own sake. Novelty is only a small though necessary part of my idea of creativity. Television and advertising provide plenty of novelty, but only as appearance, as spectacle. Life looks different but remains the same. Indeed, life remains the same, among other reasons, precisely because it looks different.

I want a world with less fear, more safety and more security—yes, I’m getting older—and yet, I still want a world with surprises, indeed, with marvels. Chomsky reminds me of Immanuel Kant, whose daily routine was so rigid that the local joke was, that when he walked to work, the citizens of Königsberg could

250 “In Chomsky’s philosophy, rationality and freedom take center stage, while culture, aesthetics and pleasure (e.g., religion, ritual and ritual objects, business and trade, music, art, poetry and sensuality) play no essential role in universal nature; for Chomsky, these things just get in the way of proper politics and have nothing to do with reason and language.” Lakoff & Johnson, *Philosophy in the Flesh*, 479.

set their watches by him. But even Kant interrupted his routine twice: once when he received a copy of Rousseau's *Emile*, and once when he heard of the fall of the Bastille. Those are the sort of interruptions I would welcome in my own routine. But would anything interrupt Chomsky's routine? Nothing ever has. Nothing ever will.

Apes of Wrath

From the Associated Press (which did such a bang-up job on the Iraq war), dateline Boston, September 29, 2003:

A 300-pound gorilla will be kept off display after it escaped from its zoo enclosure and roamed through the Franklin Park Zoo and along nearby streets for nearly two hours before it was sedated with tranquillizer darts, according to Zoo New England CEO and President John Linehan.

Even zoos, it turns out, have CEOs. Undoubtedly so do circuses, and I don't mean the one in Washington. So do all other institutions which once thrilled children with icons and images and visions of another life, a life of magic and marvel. Of course now they view images quite as exciting or more so when they go on-line. But a zoo or a circus (they are not too different), even in our flattened down era, puts on a show which, for all its phoniness, surpasses anything virtual.

18 year old Courtney Roberson worked at the zoo and was taking 2 year old Nia Scott, her friend's little sister, for an outing when Little Joe escaped, according to family members. The gorilla grabbed the child, threw her to the ground and jumped on her, according to Dale McNeil, Scott's godmother.

If so, there was remarkably little harm done: "Neither zoo officials nor Boston Police could provide any information on the injuries. But family members said Scott had a gash on her cheek and needed several stitches. Roberson [who was *not* thrown to the ground and jumped] was bitten on the back and scratched on the leg, said her mother, Shamika Woumm." (I find her name even less likely than her testimony.) Clearly the family members (each with her own surname) saw their chance for a score and wasted no time creating evidence.

The accusations against Little Joe are grave but, I suspect, self-serving. If a 300 pound gorilla jumped on a two year old girl, I would expect her to incur serious injury, if not death, but probably not just a gash on the cheek.

For a rounded picture, we need to look at it from Little Joe's point of view. From the Associated Press we further learn:

In August, the 5 foot, adolescent gorilla also escaped from its section of the Tropical Forest exhibit, which had a 12-foot-wide, 12-foot-deep, moat. No one was hurt then, and zoo

officials installed electrified wires to keep him from escaping again.

The Associated Press story, aided by the family's litigation-oriented statements, is all too obviously scripted under the influence of the King Kong and Mighty Joe Young films, with adjustments for details. Little Nia Scott is Fay Wray. Mighty — er, Little Joe is framed, perhaps literally, by these evocative antecedents, which it is not necessary for the word-thrifty Associated Pressman to mention because they are deeply rooted in popular consciousness.

Little Joe, at a first pass from the sensitive, anonymous Associated Press reporter, is strikingly depicted as an African-American rapist: "The gorilla grabbed the child, threw her to the ground and jumped on her, according to Dale McNeil, Scott's godmother." Little Joe is Mike Tyson deluxe. Then, and only after that impression has sunk in, the AP journalist indicates that Little Joe is perhaps as much like Houdini as he is like King Kong. Little Joe has twice thwarted the best efforts of his captors to hold him in bondage. Not a 12 foot moat, not even an electrified fence stopped the 5 foot tall, 300 pound young primate. The movie the AP guy should have reviewed, at least in his mind, before writing his story was not *King Kong* or *Mighty Joe Young* but *The Great Escape*.

Young male gorillas like Little Joe, who was born in captivity, pose problems because of their agility and restlessness, according to Linehan.

“They go through a stage where, physically and psychologically, they’re growing much stronger, and become much more lean and long, and containment can be an increasing challenge at that age,” he said.

Other young male primates go through the same stage. Some of them formed the anarchist Black Blocs in Seattle, Genoa and elsewhere. Others disperse their “agility and restlessness” in frat parties, liberal politics, music subcultures or even by joining the Army to meet cute dumb hillbillies like “Daisy Mae” Jessica Lynch. As that astute psychologist/CEO Linehan explains, they go through a stage where they’re becoming strong (which, after the indignities of childhood, is a heady realization) and naturally they cast about for something to test their strength against. For Little Joe, there was an only and obvious challenge: his captivity.

I used to live in the Boston area. I know exactly where Little Joe escaped from, and where he was recaptured. Needless to say, there was nowhere for him to live in Boston as the magnificent animal that he is. He would not survive the coming winter. And since he was born in captivity, he would not even survive in the rain forest where gorillas belong, were he released there. This the CEO obviously does not intend for his investment, since Little Joe is one of 6 of the exhibition gorillas he has acquired since 1998. Except that now Little Joe, after his recent excursion, is not on exhibit—he’s locked down—which is perhaps a partial victory for Little Joe. I remember Kirk Douglas, in *Spartacus*, howling in his cell, “I am not an animal!” Would it have made any difference if he were?

Truth being, as Nietzsche taught us, multi-perspectival, we might set the measured, classical restraint of the Associated Press story beside the romantic exuberance of the version in the New York *Daily News* ("Teen Was Helpless Against Raging Ape," Sept. 30, 2003). Much of the story is the same, as we might expect, since the writers are both American Journalists pledged to Objectivity, but the *Daily News* story focuses on the romantic interest. For it seems that Little Joe is not the only 300 pound adolescent primate in the picture. "He was too strong for me, and I'm a big person," says teenage nanny and zoo employee Courtney Roberson. "I weigh close to 300 pounds." The big lug! In this, slightly more plausible version, Little Joe knocked Little Nia out of Roberson's hands "and stomped on her before going after Roberson again."

Curiously, there is nothing about what happened to Roberson, or what happened at all, after Little Joe's "going after" her. Presumably he did nothing ungentlemanly. Since the incidents recounted could not have taken more than a minute, and Little Joe was on the loose for two hours, evidently once he got a good look at Roberson he betook himself elsewhere. Love hath no fury like a woman scorned. And did Little Joe "jump on" Little Nia (AP) or "stomp" on her (*Daily News*)?

According to Nia's godmother, "When he snatched the baby, the gorilla took the baby and ran with it. And when he went to run, he turned around and he looked at Courtney and he dropped the baby and ran after Courtney"—contradicting her immediately previous statement that Little Joe stomped Little

Nia. Dropping is not stomping. Or did he drop-kick her? By the time the case comes to trial, I wouldn't be surprised if he did.

The *Daily News*, then, departs from the Hollywood paradigm of the Associated Press—this is not a Fay Wray situation at all. Here the helpless young human female, Little Nia, was a sort of innocent bystander who got in the way. This was something between Little Joe and Big Courtney Roberson, who probably looked more like a young female gorilla in heat than any animal the born-in-captivity, hormonally charged up Little Joe had ever seen. She may have played on that.

There's some monkey business here. After Little Joe's August breakout, "zoo officials installed electrified wires to keep him from escaping again," in addition to the 12 foot wide, 12 foot deep moat. How did he get past all of that? "There's a lot we have to find out, and we'll be reviewing what happened," as CEO Linehan is quoted in both stories as saying, so it must be true.

I have a theory. It was an *inside job*. Little Joe got out just before closing time (also the traditional time for robbing stores), *i.e.*, just when many zoo employees were probably getting off work. I think Big Courtney Roberson was one of them. She claims to have been taking Little Nia "for an outing"—not *at* the zoo, which was closing—but apparently right outside, although the neighborhood has no other attractions. I think Roberson, recalling the publicity around Little Joe's first escape, turned off the juice and let him out, and then planted herself, babe in hand,

in his path. I wouldn't be surprised if she were the aggressor. I think what Courtney was courting was a juicy lawsuit, or a tryst, or both.

If I am right, the "raging ape" was the victim here in a most immediate way. He was set up and he was exploited. But if I am wrong he is still a victim, but in that case not the only one. Incarceration in a zoo is a far more serious wrong than a bite on the back from a runaway gorilla.

Now that we know that we share something like 98% of our DNA with Little Joe and his kind, we might rethink our relations with gorillas. Did I mention the Washington Zoo? About 15 years ago, a visiting Slovenian anarchist, Gregor Tomc, joined me for a visit there. An anti-Communist dissident, he was especially curious to see the pandas donated by the Red Chinese. (Nobody calls them the "Red Chinese" any more. Why not? They haven't changed.) The monkey house depressed him: "They're too human," he said.

I know what he meant. I spent a minute alone before a gorilla in a cage. I looked him in the eye and he looked me in the eye. Anyone could see the intelligence and the pain—and it was in *his* eyes too. Tomc was quite right but I would rephrase what he said. "We're too animal" is more like it. The enslavement of Little Joe and so many other animals eerily reminiscent of ourselves really indicates our failure to come to terms with our own nature, which is an animal nature. In domesticating animals we have made ourselves the ultimate domesticated animal. For us to escape, on an individual basis, from civilization—from

the state, the market, the class system, from religions and moralities—that is scarcely more realistic than for Little Joe to pass a quiet winter in Boston where he was recaptured, “near a football stadium.”

But we do differ in an important way from our fellow animals. We have language. Recent research establishes that this is not the qualitative break it was long thought to be. Gorillas appear to have a rudimentary vernacular language, and they can even be taught English sign language in controlled circumstances. Noam Chomsky does not believe this, not because it isn’t true, but because it refutes his Cartesian linguistic theory. He is like those 17th century prelates who refused to look through Galileo’s telescope because what they might see there could not be true. In tribute to Chomsky’s Scholastic obtuseness, the researchers who study Koko and her fellow gorillas have named their dumbest gorilla student “Nim Chimsky.”

Language—especially written language—has served as an instrument of domination. Like most truths about the life we live, this one sounds extravagant or overstated or metaphorical, but that is only because it is so difficult to stand apart from that life, if only in thought, to see it as it is. It is a finding of sober archaeological fact that for the first one thousand years of writing (in ancient Sumer—now known as Iraq), it was devoted exclusively to government record-keeping and occasional chest-thumping by the Ozymandias-style autocrats who still rule in the Cradle of Civilization, only now they are American. Literacy was so restricted to bureaucrats that Hammurabi, for instance, probably could not read

the Code of Hammurabi. While the Word connects, it also separates. It became possible, then actual, for the Word to replace its referent in reality, or even to replace a referent where there is nothing to replace (“God” springs immediately to mind, but “Country” is right up there too).

The question is whether there is any other way than through language to get out of what language has gotten us into. Even those who say “yes” may contradict what they say just by saying it. Language posits the only possibility, if there is one, of the Great Escape. And it has to be a Great Escape, a collective adventure, because anything less than that is just like Little Joe busting out to—to where? to what? That’s just it. Little Joe got out, but while he had a place to escape from, he had no place to escape *to*. I wonder what he thought of the streets of Boston which he wandered for two hours. He could hardly have found there what he was looking for, if he’d even thought that far ahead. I know I never did.

I have given my reasons for doubting whether Little Joe went ape, but even if he did, going ape is something apes never do in the wild and in the society (for they have one) of other apes. *Going human* is really a better, if also an inadequate description of what he is accused of doing. Our prisons—our human zoos—are filled with humans who have gone ape, which really just means, stir-crazy. They experience domestication literally with a vengeance. Elsewhere, in school or in the workplace, it’s not *usually* so obvious. But your boss has made a monkey out of you all the same. Alexander Pope wrote a couplet—about a

dog, not an ape, but he was saying the same thing I am (Kew was a royal palace):

I am his Highness' dog at Kew
Pray tell me, sir, whose dog are you?

Free Little Joe and all other political prisoners! A zoo and a circus—these words are not only effective metaphors for our civilized society, they really surpass metaphor by verging on straight reportage, much like the Objective reportage of the Associated Press and the *Daily News*. It is no accident that we so often reach for one of these words to disparage some feature of the political or social scene. They fit the hand so well.

It never required DNA evidence to notice that the animals deservedly called the great apes are amazingly like ourselves. I have never understood how a creationist moron could visit a zoo and look at the primates and come away with his Bible bigotry intact. He is, I suppose, our own Nim Chimsky. Unfortunately, our Nim Chimsky has the right to vote.

The *Salvador Dali*

Lama Sez:

**“He who is on the spiritual
plane, misses the boat”**

WHATEVER HAPPENED to the separation of Church and State? This week, Lamaist Buddhism is the Established Church of the University at Buffalo. “Inter-faith” services are State-sponsored. Class (but not the class system) is canceled for Days of Learning (presumably learning does not take place in class). The students are all but ordered to herd into the stadium for arena religion with the living incarnation of the Buddha, the Dalai Lama XIV, the biggest thing since the Beatles—who were themselves, according to the Apostle John (Lennon), “bigger than Jesus.” We may say of this strange interlude what Tom Lehrer sang of National Brotherhood Week: “Be grateful that it doesn’t last all year!”

NOW THE STUDENT RESPONSE to all the holy hype, as to most of the world around them, is a little bewilderment and a lot of apathy. The only ones who care

deeply are the deeply resentful (Red) Chinese Student Association and the Living Water Campus Ministry (praise the Lord! and pass the Water!) who are on notice to maintain low profiles or else. Last month there was a forklift full of His Holiness' books outside the campus bookstore; inside, they languish unsold. Even the copies in the undergraduate library sleep on the shelves. The Living God's visitation is the biggest yawn since Y2K.

AS RELIGIOUS HIERARCHS GO, the Dalai Lama compares favorably to, say, Pope Ratzinger, the world's oldest Hitler Youth. A God who wears glasses is disarming. A Vicar of Christ who wears Prada "shoes of the fisherman" reminds Protestants why Luther was right. Benedict Arnold XIV hates homos (except pedophile priests). But as religious hierarchs go, I wish they would.

NONETHELESS, the Dalai Lama's current pretense to be an avatar of human rights is almost as preposterous as his pretense to be the avatar of the Godhead. Genghis Khan was a Lamaist Buddhist. The Shangri-Lama ruled Tibet as an autocrat atop a theocracy devoid of democracy or individual rights. Most Tibetans were serfs. In almost the poorest country in the world, 20% of the population was parasitic monks. The history of Tibet is a history of centuries of state terror, violence, poverty, ignorance, divine madness and exploitation on a scale unsurpassed anywhere at any time for so long.

ON HIS DEATHBED, the Buddha laughed when his disciples said he was immortal. (One wishes Jesus had been as explicit.) But they got the last laugh. That's

why His Holiness the Dalai Lama is always laughing.
He's laughing at you.

GET THEE BEHIND ME, GOD!

The Divine Comedy

DC Comics made a big deal (and perhaps made a great deal) out of the death and resurrection of Superman, the original superhero. There were those who posited Christian parallels. And remember all those pseudo-Supermen? Well, what about longtime Marvel Comics superhero Pope John Paul II, whose Christian credentials are explicit and impeccable? He will of course be canonized (consider the miracle of ridding Poland of Communism) but that will take years—the Vatican is the world’s oldest bureaucracy—although it will fast-track him as he fast-tracked Mother [sic] Theresa. Publication deadlines impend. And comic book readers have limited attention spans.

While the Catholic Church slowly and laboriously fakes miracles for attribution to the Polack Pontiff, I suggest that Marvel Comics, which already has some Papal market share, become proactively Popish. Following the Superman scenario, as set forth more fully in the Book of Revelations, a plethora of sin-fighting antipopes will arise, each claiming to be the real J2P2. The first one has already appeared, predicting “a short reign,” and by the look of him he too is

already dead. This will make for a few issues of theologically suspenseful action.

And then the Polish Pope will rise from his tomb, like Jesus, only better dressed. The Shoes of the Fisherman are nowadays from Gucci. He had a wardrobe a diva would die for. Invigorated by his otherworldly rest—which likewise did wonders for the man who worked wonders, Jesus H. Christ—the Pope Who Won't Stay Dead will resume his crusade against women (other than nuns), gays (unless they are pedophile priests), humanists, scientists, radicals, atheists, Freemasons (unless they belong to Propaganda Due), etc.

A superhero needs supervillains just as the state needs criminals. The Caped (well, actually it's more like a frock) Crusader will never lack for them. The Polish Prelate is uniquely authorized (for he walks in the sandals of Saint Peter, fisher of men) to manufacture fresh categories of sinners as older ones get used up. If the supply of witches has dried up, demonize Planned Parenthood. Stem cell research: nano-genocide. No Child Left Behind, and no child's behind left without Fatherly attention.

Superman has been around—except for his short, refreshing nap in the grave—for sixty-seven years. Why should not the Polish Pope—soon to be certified as possessing saintly, supernatural powers—likewise, after a short, refreshing nap in the grave, walk the Earth again, chastising the ungodly, still the champion of the weak and the oppressed, as well as of pedophile priests, anti-abortion terrorists, tax exemptions, and church bingo?

Don't Tread on Me!¹

The anarchist: “Don’t tread on me!”

The socialist: “Don’t tread on us!”

The pacifist: “Please don’t tread on me!”

The Christian: “Tread on me!”

The liberal: “Don’t tread on them!”

The capitalist: “Tread on them!”

The environmentalist: “Don’t tread!”

1 Partly original, partly remembered. “Don’t tread on me” was a popular slogan during the American Revolution.

Law

An Anarchist Response to “An Anarchist Response to Crime”

According to “Scott,” the existing system of crime control is wrong, and contrary to anarchism, because it includes, among other evils, punishment, police, courts, and prisons. In contrast, his anarchist response to crime includes, among other improvements, punishment, police, courts, and prisons. After all, “Anarchists believe that the only true justice lies in personal freedom,” and what better ways to realize personal freedom than to restrict personal freedom by punishment, police, courts, and prisons?

“In society, there are only two ways to maintain peace: Cooperation and Coercion.” (Not so, but let that pass.) You might think that Scott is about to say that anarchist societies maintain peace through cooperation, whereas state societies maintain peace through coercion—but you would be wrong. If Scott implies that state societies maintain peace only through coercion, he is obviously wrong. People are

<http://theanarchistlibrary.org/library/scott-of-the-insurgency-culture-collective-the-anarchist-response-to-crime>

mostly peaceful and mostly law-abiding in all societies, mostly for other reasons than coercion. Cooperation is even now the main source of social order, as anarchists such as Kropotkin and Malatesta observed. And you might think that Scott will argue that under anarchy, social order will be sustained by cooperation only—but you would again be wrong. But not as wrong as he is.

Scott is highly misleading when he makes statements like this: “Historically, societies with disparities in wealth and prosperity have always relied on coercion to keep those who have been robbed from taking back what is rightfully theirs.” This seeming statement of fact is morally rigged, because it mixes up “is” and “ought.” Societies with disparities in wealth and prosperity (what is a disparity in “prosperity” if not a disparity in wealth?) have always relied upon coercion to enforce all laws—that is true by definition—not just those which prohibit expropriating the expropriators, if indeed there are any such laws. The law of theft, for instance, applies in principle to everyone, however unequally it is in fact enforced. It applies to theft from the poor (which is usually committed by the poor), and to some of the ways the rich swindle each other. It applies to acts which have nothing to do with the just distribution of wealth, such as murder, drug use, reckless driving, indecent exposure, and animal cruelty.

In discussing Scott’s essay, when I refer to existing law enforcement and legal procedures I am referring to the current United States legal system, except where I indicate that I am drawing on comparative historical and cross-cultural data.

What is Crime?

Scott has his private idiosyncratic idea of what crime “is,” which really refers to how he would rewrite rather than abolish the criminal code. In real life, a crime is an act prohibited by the state (or an omission of an act mandated by the state) where this act or omission is subject to punishment by the state after the offender is arrested by the police, prosecuted by a public prosecutor, and convicted after a court proceeding by a judge with or without a jury. All crimes are by definition crimes against the state, whether or not they may also, or may not, affect private interests. So defined, the “anarchist response to crime” is self-evident: to abolish crime by abolishing the state. Scott’s proposed anarchist penal code is therefore literally nonsense.

Crime should be left to the state, and left behind when the state is left behind. The question is what to do about undesirable behavior. Now what is bad behavior to some people is not bad behavior to others. Scott, however, has a universal formula for justice, in the grand tradition of anarchists like Plato: “everyone must be entitled to life, liberty, and the fruits of their [sic] labor and no one should be allowed to take these things away from anyone else. Crime is any action which would deprive someone of equal access to these things.” Deprive them of these things, or deprive them of “equal access to” these things? What does it mean to have “equal access to” life? Is Scott anti-abortion? Beyond that, this generality is as abstract, and as vacuous, as proclaiming inalienable rights to life,

liberty and the pursuit of happiness. This is a political philosophy, not a code of conduct. As Scott phrases it, Herbert Spencer or Ayn Rand could agree with it, but they had different ideas about what counts as the fruits of one's labor. Their ideas were better thought out than his.

Scott does go on to try to infuse a little content into these principles: "An Anarchist society recognizes only three types of crime: (1) Chauvinistic Crimes, (2) Economic Crimes, and (3) Violent Crimes." A strange way to rank these categories! What on earth are Chauvinistic Crimes? "Chauvinistic Crimes are those actions that deprive us of freedom or the fruits of our labor because of social prejudices, religious dogma, or personal malice or animosity." But acts which deprive us of these things are either Economic Crimes or Violent Crimes regardless why they are committed. Scott's Chauvinist Crimes are another of his borrowings from the law of the state: they are "hate crimes." But currently, hate itself, or even the expression of hatred, is not a crime: it is only what is called an aggravating circumstance, something which justifies a harsher punishment when it is the motivation for something otherwise a crime already. But according to Scott, in an anarchist society, there is no punishment!

There will be no punishment—however, "there will still be people who want to exploit and victimize others for their own personal satisfaction as well as some reactionaries who want to establish a new system [I thought that was the old system] of domination, exploitation, and social control. To deal with

these criminal personalities a society must be able to segregate them from the general population so they cannot harm anyone.” Criminal personalities? Aside from psychopaths, whose numbers are negligible, criminals have the same kinds of personalities as everybody else, except that some of them are above average in impulsivity. To speak of criminal personalities is literally reactionary: it echoes the discredited criminology of a century ago. To attribute crime to individual psychological defects flatly contradicts Scott’s opinion that most crime has social sources. In general, the only thing special about criminals is that they have committed crimes. And even that doesn’t make them special, because everyone has committed crimes. “Reactionaries” are not mentally ill, they will merely be political dissidents—just as anarchists are now. Criminologists used to talk about “anarchist personalities,” as one type of criminal personalities. Are we to follow their example?

Scott is obviously oblivious to the self-contradictory, not to say Orwellian quality of his language—such as this:

“Too often the term justice has been abused to imply retribution, punishment, correction or other forms of coercion or social control. Anarchists believe that the only true justice lies in personal freedom. ... our goal is to insure social peace by segregating those who threaten [society] rather than debating and imposing and imposing an arbitrary view of justice based upon the whims and ambitions of parliamentarians, bureaucrats, and autocratic juries.”

So, anarchists don't believe in "social control," but they believe in locking up troublemakers who threaten social peace. Pardon me, but if that isn't social control, what is? The only true justice lies in personal freedom, Scott says, from which it logically follows that one good way to assure true justice is to eliminate the personal freedom of criminals.

How is Social Peace Achieved?

In state societies, social peace is achieved—not very well, however—by specialized law enforcers (called police) who arrest suspected criminals and take them before tribunals (called courts) which, sometimes in collaboration with ad hoc citizen bodies (called juries), may determine that the accused did something contrary to social peace (called a judgment or verdict of guilt of a crime). Scott will have none of that. In an anarchist society, specialized law enforcers (called popular militia) arrest suspected criminals and take them before tribunals (called popular tribunals) which may impose a "term of banishment" (or even, as he later indicates, imprisonment). Scott's anarchist criminal justice system is only a simplified, and probably worse version of the existing criminal justice system, which has at least addressed many considerations of which Scott must be totally unaware.

"Historically," Scott relates, "Anarchist societies have replaced professional military and police forces with a part time popular militia which looks out for the safety of the community and would take a person accused of a crime and their accuser before a popular tribunal where any dispute could be arbitrated and

any criminal act could be adjudicated and rectified.” No “Anarchist societies” ever did any such thing. The only genuinely anarchist socially viable societies so far have been primitive band and tribal societies, and none of them, as far as the historical and ethnographic evidence reveals, ever had anything remotely resembling this system. Nor was any such system in effect in the territories briefly controlled by anarchists in parts of Russia and Spain during their respective revolutions. What Scott describes is much closer—actually, it is very close—to the Cuban popular tribunals under Castro, which are agencies for the imposition of the Communist dictatorship. So much for the appeal to history.

All Scott has done is change the names of the law-enforcing institutions. Put “popular” in front and presto! a coercive institution is an anarchist institution. There is nothing anarchist about replacing full-time cops with part-time cops. Scott’s militias, he tells us, “work much like a neighborhood watch except they serve the community rather than being an instrument of police control and manipulation over [sic] the community.” Scott knows nothing about “neighborhood watch” except that he likes the feel-good sound of the phrase. Neighborhood watch refers to neighbors who have agreed to keep an eye on each other’s houses and report anything suspicious to the police. The participants don’t patrol the streets, much less arrest people. They aren’t an alternative to the police, they are adjuncts of the police. They are the eyes and ears of the police. They expand the scope of state control.

“Anarchist societies,” even if they are face-to-face communities, obviously are not organized so as to be directly capable of arresting suspects. The militia does that, in their name, and takes suspects and their accusers before a popular tribunal. In current society, the police cannot make an arrest without probable cause to believe that the suspect committed a crime, and their determinations are immediately reviewed by a judge. There is nothing like that in Scott’s scheme. As in a police state, the militia’s discretion is absolute. If Scott is to be taken at his word, all it takes is a denunciation to get someone arrested and sent before a “tribunal.” That was the system in Nazi Germany and the Stalinist U.S.S.R., although there the trial was often dispensed with. Individuals made extensive use of the opportunity to get rid of their enemies.

“Popular militias,” Scott relates, “are made up of volunteers from the community and are delegated their responsibility by the community who [sic] can revoke it at will.” In what way is the entire community institutionalized so as to undertake these functions? A general assembly? Is it going to pass upon the applications of each job applicant? Impractical and time-consuming: the assembly has too many other matters to decide. Or will it allow the militia to be self-appointed? There are some people who should never be allowed to be cops, and some of them will be the most eager to volunteer.

Among the other appalling features of this system is that every allegation of wrongdoing is either ignored by the militia or else processed as a possible crime, however trivial it may be. It implies the total

criminalization of all deviance. This is not an anarchist utopia, it is a totalitarian nightmare. If my upstairs neighbor won't stop playing his stereo so loudly, my only options are lumping it or calling the police. There is no provision for forms of alternate dispute resolution more suitable to minor problems between people, such as mediation and (non-binding) arbitration. These methods are in fact characteristic of stateless primitive societies, of which Scott is apparently ignorant.

When Scott speaks of his dispute resolution system indiscriminately as "arbitration" and "adjudication," he betrays his ignorance of the difference. His system is, in fact, adjudication, involving an authoritative judgment by a third party not chosen by the disputants, coercively applying a general, pre-existing law. He likens his system to labor arbitration. If he knew anything about labor arbitration, he would keep quiet about such similarities, as most workers are highly dissatisfied with the results of labor arbitrations. But his system is not arbitration, not even binding arbitration, because it lacks critical features of arbitration, where (1) the parties choose the arbitrator, and (2) the parties choose the law to be applied (e.g., the collective bargaining agreement). Under Scott's system, the decision-makers—"tribunals"—are already constituted, and they apply a generally applicable, pre-existing law (consisting of Chauvinistic Crimes, Economic Crimes, and Violent Crimes). (Scott makes heavy use of initial capital letters, as if to give his fancies some substantive reality.) This is no more anarchist than the status quo.

What Scott calls a tribunal is not what this word suggests, an individual or a panel which performs such functions as screening cases and presiding over the proceedings—in other words, judges. The judge is the only feature of the existing criminal justice system which Scott leaves out, but if you maintain everything else about the system but eliminate the judges, leaving them out makes for a system just as bad as the existing one, except that it is much worse. Somebody has to preside over the proceedings, and the person who does that is known as a judge. But who is he and how is he selected and just what are his powers? Scott has left a lot out of his anarchist response to crime, if that's what it is.

The militia, as noted, is responsible for making arrests, “but, it is the tribunal that is responsible for questioning them as soon as they are apprehended. Tribunals are groups selected at random from members of the community by lottery. They function much like a jury in hearing evidence and making a decision based upon that evidence.” The questioning—the trial—commences immediately: nobody evaluates cases to determine if they are meritorious enough to go to trial. The tribunal doesn't function “much like a jury.” The tribunal is a jury. In fact, it is more than a jury, it is judge and jury combined. Scott supposes that he is proposing something radically new when he says that juries are to be randomly selected from the community. Juries under the current system are already selected randomly from voter registration records, motor vehicle records, even public assistance (= welfare) records. The only difference between

Scott's jury and a real jury is that a real jury is subject to some control by the judge. Scott's jurors are not, and so his reference to current "autocratic juries" is senseless, since real juries have far less autonomy than Scott's juries. It was a jury like this which condemned Socrates to death.

Scott does say that "If a person feels they [sic] have been treated unfairly they [sic] have the right to seek arbitration." If this means what it says, there is a procedure of sorts for appeal, but, is this real arbitration? Where the parties choose an arbitrator? Why should the accuser, the winner, acquiesce in arbitration? If he doesn't, this is appellate judicial review of a criminal conviction, just like what we have now, not arbitration. Can the arbitrator reverse the verdict of the jury? We are by now far removed from the realm of anarchist, popular justice in any plausibly imaginable form. Many disputes are now dealt with, not by invoking the criminal law, but by filing civil actions. "Anarchist societies," however, "have no lawsuits ..." Neither do totalitarian societies.

So far, Scott's anarchist criminal justice system bears an uncanny resemblance to the current criminal justice system, except that, when it departs from it, it is more arbitrary and unfair. But the resemblance is even closer. There will be "forensic and detective collectives," to undertake criminal investigations of unwitnessed crimes: "The type of crime that would fall under this heading would be murders, burglaries, and violent or economic crimes where the perpetrator or perpetrators concealed their identities." A Detective Collective? I might think that Scott has written a

parody of anarchism except that to do that he would have to have had a sense of humor.

When he encounters a problem with his criminal justice system, Scott's solution is always to conjure up a "collective" to handle the matter. Scott is as ignorant of real-life police practices as he is of criminal law. His idea of forensic experts and detective work is a fantasy straight out of Sherlock Holmes and J. Edgar Hoover. Forensic evidence (almost always, this just has to do with matching fired bullets with guns, or testing to identify drugs) almost never solves crimes, be it street crimes or white-collar crimes, although it occasionally strengthens the case against a defendant whom there was already reason to prosecute. Detectives almost exclusively concern themselves with pumping their informants for information so as to set up arrests in victimless-crime cases, usually drug cases. There would be no detectives in an anarchist society.

"In a modern society, we must expect the need for forensic and detective collectives to investigate major crimes." If so, that is one more argument against modern society. Who would be qualified to staff these collectives except former police detectives (who vastly outnumber private investigators, who are themselves usually ex-police) and police crime lab technicians? They would be counter-revolutionary hotbeds. Such people should not be imprisoned, as Scott advocates, but they should be put out of business for good, not empowered. An anarchist society could—and should—dispense with detectives, and could probably do without a forensic "collective" too. Such collectives, Scott tells us, "would serve several communities."

They are, then, specialized agencies detached from communities. The state is also a collective whose specialized agencies, detached from communities, attend to various particular purposes. And to their own.

Scott is ignorant of how real detectives operate. They don't start with the crime, as in mystery stories, and trace it back to the criminal. Detectives start with the suspects and work forward to the crime. This often works well because most crime takes place among people who know each other. "The types of crime that would fall under this heading [unwitnessed crimes] would be murders, burglaries, and violent or economic crimes where the perpetrator or perpetrators conceal their identities." Scott seems to assume that most crimes of these types are committed by strangers, and this is the popular view, but it is, to a surprising extent, wrong. Few homicides are committed by strangers. Few rapes are committed by strangers. A remarkably high proportion of what Scott would call Economic Crimes, such as burglary and robbery, are committed by relatives, neighbors and acquaintances of the victim.

To say that "anyone so predatory as to do such things must be quickly segregated from society to protect the community," is savagely punitive in a way far beyond how the current system treats many of these cases. Here's an example of a typical "burglary." A loans his bicycle to his friend B. B fails to return it. A, losing patience, kicks in B's door and retrieves his bicycle. B is at home and tries to stop A, but A pushes him aside. Legally, A has committed two major felonies: burglary and robbery. (It is legally irrelevant that A owns the

bicycle, because larceny—robbery is larceny by force or intimidation—is a crime against possession, not title [ownership].) But realistically, what A has done might be called self-help repossession. Among people uncontaminated by law school, some would think that A was justified. Others would think that A had a legitimate grievance but went too far. Few people would think that A should be “quickly segregated,” and under the current system, he wouldn’t be. Once again the current system turns out to be more humane and reasonable than Scott’s.

“In an Anarchist society there is no punishment for crime, only social remedies [isn’t punishment for crime a social remedy?]. The only social remedy for an economic crime is 100% restitution.” This is blatantly inadequate, because it means that you might as well steal: if you don’t get caught, you keep the goods, and if you do get caught, all you have to do is give them back. *Laissez-faire* libertarians similarly argue that whatever else might be inflicted in the way of punishment, there should be full restitution as far as possible. That is eminently just. The only problem is that it is usually impossible. Stolen money is spent, and stolen goods are consumed or fenced. The kinds of criminals that Scott is thinking of are almost always poor. That, after all, has something to do with why they commit Economic Crimes. If their assets are insufficient, “they may be asked [!] to do labor if this is not enough to correct for what they have damaged or stolen.” They won’t be “asked,” they will be told. Which means a return to involuntary servitude, the chain gang, temporary slavery, a punishment which

the current system no longer employs. I daresay nobody before Scott ever thought that forced labor had a place in an anarchist society.

Now Scott claims that his version of anarchy, which is some sort of mutualism—a bastardized cross between socialism and capitalism—is so just and so egalitarian that there would be little incentive to commit Property Crimes, which he supposes would be committed only by kleptomaniacs, slackers and “idiots,” since why should anyone steal since there are well-paying jobs for everyone? He is apparently unaware that many embezzlers, swindlers and con-artists have, or could have, well-paying jobs. This is too funny for words, but even if he is right, the question remains, how to deal with the people who, from whatever motives and for whatever reasons, nonetheless steal or otherwise violate the sanctity of property. His essay is about how to deal with the antisocial residue of anarchist utopia, however big or small it may be. So is mine.

I pause at this point to take up the problem of Scott’s notion of “punishment.” He repeatedly states that in his anarchist society, there is no punishment, while he then goes on to endorse practices and institutions—including forced labor and prisons—which everybody recognizes to be punishments. Scott equates punishment with retribution. Although the word is sometimes used in that restrictive way, retribution is usually understood to be, not synonymous with punishment, but rather as one of the rationales for punishment. I am not sure that even punishment as retribution could have no place in an anarchist

society, but in any event, retribution is only one of the generally recognized purposes of punishment.

There are three other major (and several minor) justifications for punishment. One is deterrence, which just means discouragement. Scott seems to assume that deterrence would be a justification for punishment, since he objects to capital punishment because it does not deter. There is specific deterrence and general deterrence. Specific deterrence punishes the offender in order to deter him from doing it again. It is the usual rationale for parents punishing their children. General deterrence means using punishment to make an example of the offender to discourage others from committing the same crime. Deterrence seems to play no role in Scott's penology.

Another rationale is rehabilitation. The idea here is to change the criminal in such a way that he will commit no more crimes. Of all the rationales for punishment, this one is the most sinister, and the most discredited, because it is open-ended, not to mention that it is totally ineffective. Punishment as retribution or deterrence comes to an end, when the criminal has gotten his just deserts (retribution) or he has been punished just enough to discourage others from doing what he did (deterrence). But rehabilitation justifies indefinite incarceration, since nobody knows if a prisoner has been rehabilitated, and the authorities, playing it safe, prolong the prisoner's incarceration (they will get bad publicity if, released, he commits more crimes). Often the prisoner, once released, is not so much rehabilitated as just being an old and broken man, not up for committing crimes because

he is not up for anything. Scott explicitly rejects rehabilitation—one of the few points in which we are in agreement.

Which leads to the third rationale for punishment: incapacitation. Here the idea is to put the criminal in such a situation (usually, prison) that he is physically incapable of committing more crimes. Scott is enthusiastic about incapacitation, although he pretends, or is perhaps unaware, that what it justifies is punishment. He is big on “segregating” malefactors from the rest of us. He says that they are then in no position to victimize the general population, without noticing that they are in a position to victimize each other, which is very common in prisons (murder, theft, anal rape, etc.) Academic advocates of incapacitation espouse “selective incapacitation”—because we can’t lock up everybody—that is, the incapacitation of only those criminals who commit a highly disproportionate number of crimes. These criminologists know that most convicted criminals will never, as they say, recidivate, commit more crimes, but a small number of them will. Unfortunately, social scientists are unable to distinguish the criminals who will recidivate from the much larger number who will not. I think it is not unfair to say that Scott knows absolutely nothing about these matters. But not knowing anything doesn’t stop him from endorsing prisons. To the best of my knowledge, he is the first anarchist to do so. Let us hope he is the last.

Do We Need Prisons?

I would have thought that all anarchists would say “no.” For fifty years, radicals, including anarchists, have campaigned against prisons. Until now, nobody suspected that there could be prisons in an anarchist society. Anarchists such as Kropotkin and Berkman, based on personal experience, wrote some of the most eloquent critiques of imprisonment to be found. But Scott says they are indispensable. The “most violent elements of society” should be placed in “centers of incarceration”—his euphemism for prisons—for how long, he doesn’t specifically say, they must be committed to “the prison system,” “without any early release that might threaten the society.” However, we cannot allow these prisoners (Scott calls them “parasites,” a Stalinist slur) to sponge off the rest of us. It isn’t enough to lock them up: they must pay for their punishment and work off their debts to society.

The prison must be “fully self-sufficient.” This was indeed the goal (never quite realized) of the earliest prisons, in New York. Scott admits that this will not happen. Slave labor is known to be inefficient. The kind of people who end up in prison are the kind of people with few if any marketable skills. It should be obvious that prison bureaucrats would make their highest priority, getting the most possible work out of the prisoners, and keeping them from escaping, not reforming or rehabilitating them. Scott’s anarchist prisons would be the same. Except that they would be controlled by a Prison Guards Collective, a Screws’ Collective. What kind of people would volunteer to be prison guards? The only people who would want

to be prison guards are the very people who should never be allowed to be prison guards. Most would probably be former prison guards—there will be a lot of them—as such people, who are generally of low intelligence, uneducated, and without marketable skills, are usually good for nothing else. No anarchist, except possibly Scott, would ever stoop to taking her turn as a prison guard. But apparently, for Scott, anything goes when it comes to organizing a collective. If you call it a collective, or call it “popular,” anything goes.

Remarkably, Scott goes on to say that “the most violent people in society” cannot be rehabilitated—I agree—and must be banished. Scott is troubled, however, by the fact that those who are banished will relocate to other communities and resume their predatory behavior. But since Scott posits that his anarchist society is also a modern society, we must suppose that the Internet will still be available for posting and disseminating information. Already the state maintains, for instance, registers of child molesters, including where they live, which anybody can access. An anarchist community which has been provoked so far as to expel somebody, and this should only happen in a very serious case, could, and should, post a warning, an all-points bulletin for all other communities. It will then be between the criminal and the community he wants to join, whether he will be allowed to join that community.

But there is another possibility. The incorrigible malefactor might be put to death. Scott objects to capital punishment because it does not, he supposes,

deter crime. I am a lot more familiar with the social science research on capital punishment than Scott is, and as I read it, it does say that capital punishment is not a deterrent. But what this means is, not that capital punishment doesn't deter murder (this is the only crime for which capital punishment is constitutionally permissible), it means that it doesn't deter murder any more effectively than does the next most serious punishment, life imprisonment. I've studied this research and I find it convincing. But that is not the last word on the matter.

I am utterly opposed to capital punishment, inflicted by the state. I am not, however, opposed to killing intolerable people, as a last resort. Chronic troublemakers should be banished or, if they won't go away and stay away, killed. Based on my extensive historical and ethnographic studies, which have especially focused on non-state band, tribal and chiefdom-type anarchist societies, I know that all of them—all of them—provide for capital punishment in some circumstances. But none of them maintain prisons. Capital punishment is compatible with anarchism, provided that the state does not inflict it. Prisons are incompatible with anarchism.

If an anarchist society was really put to the choice whether to imprison certain criminals (presumably for life), or, if for some reason it didn't banish them, to execute them, I say execute them. Because an anarchist society is, I believe, the best possible form of society, though not a perfect one, and if we set one up, nobody should be allowed to wreck it. Capital punishment is regrettable, but it doesn't compromise the

anarchist nature of an anarchist society. Maintaining police and prisons doesn't just compromise an anarchist society, it abolishes it as an anarchist society. That is a far too high a price to pay just to keep a few dirt-bags alive.

Scott's anarchist prisons are so horrifying that to debunk him, he does not need to be criticized, merely quoted:

"The best disposition for those who are incarcerated is [for them] to be held separately for sleeping purposes and released for daily work periods. Those who do not choose to work should remain in isolation. Large areas of incarceration facilities should be devoted to food production for use at the facility. Hard work at the facility makes the time pass more quickly and uses up a person's energy so there is less violence between those who are incarcerated. Those who endanger the lives of other people in the prison should not be allowed on work details. We cannot expect incarceration facilities to be self-sustaining. [He's right about that.] They will be a liability the community will just have to accept as part of the price of their freedom."

Except that the community should not accept that "liability," if it wants to remain an anarchist community. The very idea of taking a turn at being a prison guard is nauseating to any real anarchist. The idea of a Screws' Collective to do the community's dirty work is even more disgusting, and it institutionalizes a danger to anarchism. Scott's suggestion that, as anarchism gets established, the need for prisons will eventually wither away, is about as convincing as

the Marxist-Leninist idea that, as socialism gets established, the state will eventually wither away. We know how that turned out. The state will never wither away. It must be smashed.

A Different Orientation

I've criticized Scott on many particular points. Until I read his essay, I would never have thought it possible for any self-styled anarchist to advocate a system of police, kangaroo courts, plus prisons with forced labor. I would have taken that to be a bad joke. And it is bad, but, it isn't a joke. I have taken it upon myself to smack it down. It so happens that I have some relevant credentials and education in subjects such as criminal law and criminology (the sociology of law). But any well-informed anarchist who understands what anarchism means, as Scott doesn't, would have come up with most of my criticisms.

The reason why Scott (who is obviously an excitable, college-type twentysomething leftist middle-class white boy) has got his anarchist response to crime totally wrong, is that he has started out by asking the wrong question. The real question has nothing to do with crime and punishment. Those are statist issues, not anarchist issues. Anarchism is about how people could live together as harmoniously as possible. An anarchist society is not concerned with crime and punishment. An anarchist society is concerned with conflict and dispute resolution.

This is not the place for me to reiterate what I've written and published about dispute resolution, and how certain of the several forms of dispute resolution

might find a place in an anarchist society. The reader is welcome to look them up online, or write to me for them at abobob51@verizon.net. Although Scott tosses around words like “arbitration,” he doesn’t know what they mean. But I do. The reader is invited to look them up online at The Anarchist Library.

The “anarchist response to crime” is not to bother with crime, which, by definition, anarchy abolishes, but rather to resolve problems between people, or at least, to provide means for their resolution, such as mediation and arbitration, or if all else fails, banishment or execution. The possibilities of such methods should be exhausted before resorting to Scott’s cops, courts and prisons. The only difference between Scott’s criminal justice system and the existing criminal justice system is that his is a lot worse. The English and American common law judges have been pondering for almost a thousand years issues which have not even occurred to Scott. Their worst critic—and that would be me—would have to acknowledge, as I do, that there is some wisdom in what they have come up with.

Surely a statement like this (the italics are mine) is nothing if not repugnant: “We must accept that it may take a few generations of experience in the new society *and a lot of incarcerations* before society at large is purged of the bad influences of capitalism, authoritarianism, and chauvinism.” Or, I would add: purged of the bad influences of leftism, cultural studies (feminist, black, queer, etc.) and moralism. The Marxists promised us that after a few generations (they were vague about the timetable) the state would wither

away. They never delivered on their promise. Scott promises that it will only take “a few generations” for anarcho-cops, anarcho-courts and anarcho-prisons to wither away. If these really persist for, say, a hundred years or more, they will never wither away, they will have to be destroyed by an anarchist revolution against a police state that calls itself anarchist. I would rather they never get set up in the first place.

The War on Drugs as the Health of the State

No one ever made a more important observation in seven words than Randolph Bourne once did: “War is the health of the state” (Resek 1964: 71). War has been the main motor for the extension of state power in Europe for a thousand years (Tilly 1992), and not only in Europe. War enlarges the state and increases its wealth and its powers. It promotes obedience and justifies the repression of dissent, redefined as disloyalty. It relieves social tensions by redirecting them outwards at an enemy state which is, of course, doing exactly the same thing with all the same consequences. From the state’s perspective, there is only one thing wrong with wars: they end.

That wars end is ultimately more important than whether they end in victory or defeat. Occasionally defeat spells destruction for states, as for the Ottoman and Austro-Hungarian Empires after World War I, but not usually, and even if it does, they give way to other states. The state-system not only endures, it prevails. Usually war is well worth the risk—not to

the combatants or the suffering civilians, of course: but well worth the risk to the state.

Peace is something else again. The immediate consequence may be a recession or a depression, as after the American Revolution and World War I, whose hardships are all the more galling when they fall upon the population which “won” the war and naively supposes it will share in the fruits of a victory which belongs to its state, not to the people. The regime may artificially prolong the wartime climate of repression and sacrifice, as did the United States by working up the Red Scare after World War I, but soon the people crave what Warren Harding promised them, a return to normalcy. The vanquished, of course, rarely fare as well as occupied Japan and Germany did after World War II, but even then the Germans initially experienced famine.

There have been epochs in which certain states were almost always at war, such as Republican Rome, whose oligarchs, as Livy (1960) repeatedly demonstrates, were well aware of the way war was a safety-valve for dissipating class conflict. Colonial wars well serve the purpose since they are fought far from the home country and usually waged against antagonists who are, however gallant, greatly inferior militarily.

The British Empire in the eighteenth and nineteenth centuries is a good example. Engorged with the wealth of commercial capitalism (soon to be unimaginably enlarged by the Industrial Revolution), secure in its insularity, shielded by the world’s greatest navy, with a robust and ruthless ruling class wise to the ways of statecraft, the British State could afford a war

anytime it needed one. The cannon fodder was easy to come by. There were outright mercenaries such as Hessians on the market. And yesterday's enemies were today's troops. The Irish, repeatedly crushed in the seventeenth century, were one source. Starting in 1746 the British annihilated the society and culture of the Scottish Highlanders, then recruited regiments from the survivors. They would repeat these cost-effective methods in India, in Africa, everywhere. And then there were the English sources of expendables: the peasants forced off the land by enclosure of the commons, and the urban poor. They would not be missed, and there were always more where they came from.

But times have changed. Some states can possibly carry on in the old way for awhile—maybe Serbia, North Korea, Iraq—but the United States cannot, for at least two reasons: We are too squeamish, and we are too poor.

Too squeamish in the sense that, as Saddam Hussein crowed before the second Gulf War, America is a society which cannot tolerate 10,000 dead. He was right, although that did him no good, since he was unable to inflict 10,000 or even 1,000 deaths. Grenada and Panama were larks, but even such two-bit gang wars as Lebanon and Somalia were not, and nobody has any stomach for war in Haiti or Bosnia. Americans are fast losing their taste for media wars, to say nothing of real wars.

And too poor for any war long enough to put a lasting blip in any President's ratings. The attack on Iraq was the turning-point. As adroitly handled as

the manipulation of the mass mind was, Americans only went along with the war on the condition that the “Allies” pay for it. Even the most dim-witted are dimly aware that the lion’s share of their Federal taxes goes to pay for war debts and military spending they never reaped any benefits from. The trade-off for lives in a high-tech, media-savvy, photogenic war is money. It costs more, immensely more, than war ever has. But America does not have more, immensely more wealth than it ever has. It has less, and less and less all the time.

Even with the massed forces of ABC, NBC, CBS, CNN and all the rest of the mainstream media behind him (Black 1992: ch. 9), and despite an overwhelming victory which owed as much to luck as skill, George Bush became the first President to win a war and then lose an election—to a pot-smoking, womanizing draft-dodger.

Thus the regime is caught in what the Marxists used to call a “contradiction.” It needs war, for war is the health of the state, but (with occasional ephemeral exceptions) it cannot afford either to win wars or lose them. But what kind of a war is it possible to wage, at not too intolerable a cost, which avoids these twin pitfalls—a war which cannot be won or lost?

The “War on Drugs.” Which is not a real war, of course, but what the Germans call a *Sitzkrieg*, a phony war. Formerly they sold us the war to end all wars. Now they sell us an endless war. The March of Dimes is an instructive precedent. The March of Dimes raised lots of money which (what was left of it after most of it went for advertising and administration) financed research on a polio vaccine. Then

came catastrophe: Jonas Salk found a polio vaccine. So, its purpose accomplished, the March of Dimes went out of business, right? (Just kidding.) No, the organization moved on to an amorphous quest, to conquer “birth defects,” of which there are so many varieties that the March of Dimes can count on doing business for many years to come. Some people say “the ends justify the means,” others say they don’t. The March of Dimes has transcended the contradiction: The means justify the end.

Such is the utility, to the state, of the War on Drugs. It cannot be lost, for there is no enemy to lose it to. And for countless reasons it cannot be won. The government cannot inderdict more than a fraction of the cocaine, heroin, marijuana and other drugs which, by illegalizing them, the government has raised the price on to the point that they are well worth smuggling in. And some of the dope, such as marijuana and opium, is easily produced domestically. Many tens of millions of Americans have indulged in illegal drugs, including the President. Their kids see no reason not to try what their parents did, regardless what the parents are preaching now. Children tend not to heed their parents when they know they are lying. Besides, there is always alcohol.

And in the suburbs as in the ghetto, legalizing drugs has jacked up their prices so far that busting drug dealers has no “supply-side” effect. Taking a drug dealer off the street just opens up a vacancy for another entrepreneur. Indeed, it is standard practice for dealers to get their competitors busted to take that competitive edge. But it makes no more difference

who is dealing the drugs than it makes who is running the state. Indeed, they may be the same people! The Drug War is the health of the state.

Because it is only a phony war, the War on Drugs is fiscally manageable. The government can spend as much or as little as it likes, since the result is always the same. Even the out-of-pocket costs are disguised, divided as they are among Federal, state and local governments and confused with funding for law enforcement. The single greatest expense, prisons, is one which most people mistake for just about the best thing the government does for them. Underpinning this error is a misconception about what the product of the criminal justice system is. It is not crime control, for even if that could be measured with any accuracy, there is no evidence that law enforcement in general reduces crime (Jacob 1984). The product is crime rates (Black 1970), which are a function, not of the amount of crime, but of the amount of law enforcement. Thus the authorities can manufacture a "crime wave" if they want more money, or ease up on enforcement if they want to take credit for doing exactly the opposite—a reverse Catch-22, a no-lose situation. Aside from themselves and their higher-ups, the only beneficiaries of those 100,000 more police that President Clinton will put on the streets will be Dunkin' Donuts franchises.

What's more, to some extent the War on Drugs pays for itself. Just as armies used to subsist largely by "living off the land," pillaging the districts they passed through, so the drug warriors cram their coffers with booty from forfeitures. And that's just on the formal,

legal level. Off the books, of course, the police have always seized a lot more drugs than ever found their way to the evidence room. The dealers and junkies are unlikely to complain. (The classic scenario: a cop makes an illegal search on the street. He finds something. He asks, courteously, "Is this yours?" The answer is always no.) Some dope the police sell on their own account. Some they use themselves. And some they use for "flaking" (planting drugs on suspected drug dealers) and "padding" (adding more dope to what was found to turn a misdemeanor into a felony) (Knapp Commission 1973: 103-104).

In still another way the War on Drugs offers one of the benefits of a real war without its costs and risks. Every real war is a civil liberties holocaust (Murphy 1973). Even on the formal, legal level, national security—a so-called compelling state interest—tends to trump fundamental rights, at least until the shooting stops. Meanwhile patriotic vigilantes carry out the castrations, the lynchings, the arsons—the dirty work too dirty for the state to do, even in a supposed wartime emergency, but not too dirty for the state to wink at afterwards. The United States during World War I and the Red Scare is one example; the Italy which the liberals let the Fascists take over, after letting them extralegally smash the socialists, communists and anarchists, is another.

But peace returns and the legal ground lost is mostly recovered, or even more ground is taken. Once the state has demolished the radical opposition irreparably, it may well restore constitutional rights to the impotent remnants and bask in its own announced

glory, parading its tolerance once it doesn't matter any more.

The phony war is much more effective. It cannot be conducted without massive invasions of liberty and property. The single most important right implicated, and endangered, by the War on Drugs is the Fourth Amendment, which forbids unreasonable searches and seizures. This body of law effectively began during Prohibition, and today it is, as Professor Fred Cohen says, "driven by drugs." The rights of everyone are defined by the rights the judiciary grudgingly grants to drug offenders.

Other rights are reduced too. Under the forfeiture laws, private property is taken without due process or just compensation. Applied to Native Americans and others, drug laws interfere with freedom of religion; so does the common practice of forcing drunk drivers into "rehab" for indoctrination in the religious tenets of Alcoholics Anonymous. Even the campaign against gun ownership is an indirect consequence of the War on Drugs. Participants in the drug trade have to enforce their own contracts, since the state will not. And prohibition has made drugs very valuable commodities: in the inner cities, by far the most valuable commodities. Meanwhile, drug addicts rob and steal to support their habits. The result is an arms race and the clamor for gun control. One prohibition leads to another.

For the criminal, the ultimate challenge is the perfect crime. For the state, it is the perfect law. Is it prohibition?

Maybe not. Drug prohibition is today much more popular than alcohol prohibition ever was, but within living memory, decriminalization was a serious possibility. It might become so again if the anti-drug hysteria continues to rise till it reaches a level impossible to sustain. And it probably will rise, because the drug war has been institutionalized. Various agencies and organizations have a vested interest in its unlimited extension, although its unlimited extension is not only impossible, it would deprive the state of the great advantage of drug war over real war: its predictability and manageability. As some organs of government grow and grow, there is less for others. Since victory, like defeat, is impossible, there will never be a “peace dividend” to divvy up. The state is probably already draining more wealth out of civil society than is consistent with the state’s own long-term interests. If it takes more and more, the parasite will kill the host—or the host will kill the parasite.

Eventually the state may succumb to its own success. The state is huge. And it is bureaucratic. That means that it is intricately subdivided by function (or by what was initially considered a division of labor by function: in fact, overlapping or competing jurisdiction is common and tends to increase over time). Even if the left hand knows what the right hand is doing, it may not be able to do anything about it. (Or else, in the words of the German proverb, “one hand washes the other.”) Inter-agency cooperation becomes more difficult as it becomes more frequent and more necessary. “The complexity of joint action”

thwarts action, or its purpose (Pressman & Wildavsky 1984: ch. 5).

It is very hard, administratively, to reduce a bureau's budget, but easy to increase it. Bureaus fiercely resist zero-based budgeting—that is, starting from scratch, the annual rejustification of every line of the budget request—as reinventing the wheel. And it is difficult for higher-level authority to identify areas for cost reduction, if it even wants to, since the very *raison d'être* of bureaucratic organization is deference to institutionalized expertise. The easy way is to take the previous budget as presumptively the next one; it is only departures from the status quo, not the status quo itself, which require justification. The bureau, staffed with supposed experts, is itself the usual source of justifications for departures, and the departures are always in the direction of more money and more power for the bureau. What goes for each bureau goes for all of them. Thus government grows.

Referring to the way competition between workers lowers wages for all of them, Fredy Perlman (1969: 17) observed: “The daily practice of all annuls the goals of each.” Inter-agency interactions tend to have the same effect. So does inter-agency competition for tax money.

The long-term implications for the War on Drugs are, for the state, ominous. The more the state extends its control over society, the less control it has over itself. The more the state absorbs society, the weaker the state as an entity responsive to a common will becomes. It disintegrates into an authoritarian pluralism reminiscent of feudalism, but lacking its romantic

charm. Some agencies fatten off the War on Drugs, most do not. The ones that do are the first to go their own way. Attorney General Janet Reno had no control over the Bureau of Alcohol, Tobacco and Firearms when it exterminated the Branch Davidians to win what amounted to nothing more than a gang war: but she took responsibility. The Drug Enforcement Administration is likewise as independent as Hoover's FBI or anybody's CIA.

For the state, another inevitable adverse consequence of the Drug War is corruption (Sisk 1982). Not that corruption is necessarily a bad thing for the state. Up to a point, police shakedowns of drug dealers, bookies, pimps and other extralegal entrepreneurs benefit the state in more than one way. The more the cops collect in payoffs and confiscations, the less they have to be paid in salaries. Cops whose supervisors know they are on the take (as they do, since they are on the take too) (Chambliss 1988) look the other way unless and until for some reason they need to get rid of a particular cop. Corruption is thus a management tool.

But some cops get too greedy and go too far. Most are "grass-eaters" (bribe-takers) who take what comes their way, but some are "meat-eaters" (extortionists)—proactively corrupt—who actively seek out or set up corruption opportunities, like the Special Investigative Unit detectives depicted in the movie *Serpico* (Daley 1978; Knapp Commission 1973). The grass-eaters cover for the meat-eaters (the "blue code of silence") since they all have something to hide. Until recently, police administrators and their academic

allies thought that they could keep corruption under control through various institutional reforms most of which were initially proposed by the Knapp Commission (Sherman 1978). Maybe the reforms would have worked, except for one thing: the War on Drugs. Corruption is making a comeback, even in the Knapp-reformed NYPD (Dombrink 1988). Because penalties are much harsher and the profits of drug trafficking much higher, the protection the police sell commands a much higher price (Sisk 1982). Drug-driven corruption is the growth sector of police misconduct (Carter 1990).

For the state, the problem with runaway corruption is that it cannot be confined to where its benefits exceed its costs. The state needs the police for a modicum of selective law enforcement and, much more important, for social control—as the occasion calls for, to break strikes, evict squatters, suppress riots, repress dissidents and keep traffic moving. Even in our sophisticated times, when manipulation is the hippest of control strategies, there is often no substitute for the gun and the billy-club.

But a pervasively corrupt police force cannot be counted on when push comes to shove. Meat-eaters cannot spare the time to enforce the law. Officers on the nod are ineffective knights of the club. Police who are enforcing drug laws are unavailable to enforce others. There's been a tremendous expansion in undercover police work in recent years (Marx 1988), inevitably accompanied by more corruption (Girodo 1991). Police, as workers, are notoriously difficult to manage because they are usually out by themselves,

unsupervised. Detectives especially are in a position to be secretive about their activities (Skolnick 1975; Daley 1978), and more drug enforcement means more detective/undercover work. These cops are pursuing their own agendas. Why do dogs lick their balls? Because they can.

Corruption scandals demoralise the police and delegitimize the state. Most people obey the law most of the time, not because they fear punishment if they don't, but because they believe in the system. As they cease to believe, they will cease to obey—not only the laws that don't matter (like “don't use drugs”) but also the ones that do (like “pay your taxes”). And, ironically, crackdowns on corruption impair police effectiveness for other purposes (Kornblum 1976).

The state has overbuilt itself so heavily that the weight begins to crack the foundations. It is not the sort of elephantiasis that can be eased by privatization. It doesn't matter who collects the garbage. What matters is who has the guns. Not “social pork” but the essence of sovereignty—the means to enforce order—is tumorous. Thus the cancer is inoperable. The state may die, fittingly, of an overdose.

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“Wild Justice”

Crime as an Anarchist Source of Social Order

We’ve all heard the phrase “law and order”—as if they go together. The slogan assumes that law promotes order, and that crime subverts order. “Anarchists believe the phrase law and order is one of the great deceptions of our age.”¹ I’m going to discuss just one of the reasons why this slogan is a lie. One reason is that law itself may create or perpetuate disorder. This is a familiar anarchist theme² which I will not go into

1 “Introduction by Howard Zinn: The Art of Revolution,” in Herbert Read, *Anarchy & Order: Essays in Politics* (Boston: Beacon Press, 1971), xv. “Law and order is the historical illusion; law versus order is the historical reality.” Stanley Diamond, “The Rule of Law versus the Order of Custom,” *The Rule of Law*, ed. Robert Paul Wolff (New York: Touchstone Books, 1971), 140; see also Edgar Z. Friedenberg, “The Side Effects of the Legal Process,” *ibid.*, 45.

2 See, e.g., “Law and Authority,” *Kropotkin’s Revolutionary Pamphlets*, ed. Roger N. Baldwin (New York: Dover Books, 1970), 216–17 & *passim*. In the timeless words of Chicago Mayor Richard Daley: “The police are not here to create disorder; they’re here to maintain disorder.” Quoted in Gertrude Block,

here. Another reason, which is not familiar, is that often crime promotes order. Crime can be a source of order—especially where the law isn’t—and this is surprisingly common. If crime is ever a source of social order, it can only be an anarchist source of social order. This will be my thesis here.

Until recently, social scientists only noticed one way that crime promotes order. As Émile Durkheim put it, “Crime brings together upright consciences and concentrates them.”³ The community comes together against the common enemy: the criminal. But recently another sociologist, Donald Black (no relation) has argued that some crime is really self-help social control. You can fight crime with crime. You can also use crime to deal with harmful acts which aren’t crimes. This is a lot more common than you might think.

“Language Tips,” *New York State Bar Ass’n Journal* 83(5) (June 2011), 57.

3 Émile Durkheim, *The Division of Labor in Society*, tr. George Simpson (New York: Macmillan, 1933), 102. “Crime has the useful function of maintaining these [collective] sentiments at the same degree of intensity, for they would soon diminish if offenses against them were not punished.” Émile Durkheim, *The Rules of Sociological Method*, ed. George E.G. Catlin, tr. Sarah A. Solovay & John Mueller (8th ed.; New York: The Free Press of Glencoe, 1964), 96. A similar view has been attributed to Georg Simmel by Lewis Coser, *The Functions of Social Conflict* (New York: The Free Press, 1956), 127; see Georg Simmel, *Sociology: Inquiries into the Construction of Social Forms*, tr. & ed. Anthony J. Blasi, Anton K. Jacobs & Mathew Kanjirathinkal (Leiden, Netherlands & Boston, MA: Brill, 2009), 1: 29 (referring to “the importance of a common opponent for the inner cohesion of a group”) & 1: 279 ff.

The Sources of Social Order

We already live in a mostly anarchist society, in the sense that the state plays a relatively minor role in controlling antisocial behavior. This is a classic anarchist argument,⁴ but I think that the anarchists haven't made as much of it as they could. Donald Black writes that "the more we study law, indeed, the more we realize how little people actually use it to handle their conflicts ..."⁵

It isn't because of the fear of punishment that most people don't kill, or steal, or use heroin, or run red lights. It's usually for other reasons. They may just not go in for those things. They may be influenced or

4 See, e.g., Alexander Berkman, *What Is Communist Anarchism?* (New York: Dover Publications, 1972), 186; Rudolf Rocker, *Anarcho-Syndicalism* (London: Pluto Press, 1989), 19.

5 "Social Control as a Dependent Variable," in *Towards a General Theory of Social Control*, ed. Donald Black (2 vols.; Orlando, FL: Academic Press, 1984), 1: 3. My argument owes a great deal to Donald Black, "Crime as Social Control," in *Towards a General Theory of Social Control*, 2: 1–27.

Half of all crimes are not even reported to the police. James F. Anderson & Laronistine Dyson, *Criminological Theories: Understanding Crime in America* (Lanham, MD: University Press of America, 2002), 37. This statistic refers to the seven "index" crimes—all felony "street" crimes—in the Uniform Crime Reports compiled by the FBI. According to the National Crime Survey (based on self-reports), in 1982 (the annual variation is slight), 39% of aggravated assaults, 42% of robberies, 45% of rapes, and 49% of burglaries were not reported to the police. Michael R. Gottfredson & Travis Hirschi, *A General Theory of Crime* (Stanford, CA: Stanford University Press, 1990), 19. No government agency regularly compiles data on corporate or white-collar crimes, which are almost never reported to law enforcement agencies. No one compiles statistics on misdemeanors even if they are reported.

inhibited by education, or by moral values, or by force of habit. Most importantly,⁶ they may be responsive to what other people think of them.

No doubt law imposes some order, for better or for worse. But in addition to social order enforced by law, there's a much larger amount of social order brought about apart from the law. And that includes order brought about against the law.

In Max Weber's famous definition, the state "is a human community that (successfully) claims the *monopoly of the legitimate use of force* within a given territory."⁷ He did well to place "successfully" in parentheses, and to speak of a mere "claim." No state has ever succeeded in monopolizing the use of force. Few if any states have even tried to. There is some degree of anarchy in every society.⁸

Still less has the state (any state) ever succeeded in monopolizing the "legitimate" use of force either, if this means that those subject to the power of the state, consciously accept its power—not only that they accept it as a brute fact, but that they accept it as right. Usually, all that we have evidence of is that most people, most of the time, acquiesce in, they are resigned to, the power of the state, which is not necessarily

6 "Not the fear of legal penalties, but the fear of loss of status in the group is the effective deterrent... Regardless of the official methods of dealing with criminals we shall retain this method of control by group pressure." Edwin H. Sutherland, *Principles of Criminology* (New York: Lippincott, 1947), 374.

7 "Politics as a Vocation," From *Max Weber: Essays in Sociology*, ed. & tr. Hans Gerth & C. Wright Mills (New York: Oxford University Press, 1958), 78 (emphasis in the original).

8 Donald Black, *The Behavior of Law* (New York: Academic Press, 1976), 124.

the same as endorsing the state or its legitimacy or its justice. Much criminal violence is seen by its perpetrators—reasonably or not—as legitimate social control.⁹ They think that their violence is legitimate, too.

Law and Anarchy

Donald Black's definition of law is simply that law is governmental social control.¹⁰

All other social control is nongovernmental social control and is therefore, by definition, anarchist.¹¹ Black has also formulated some propositions about law, including this one: The more law, the less

9 Black, "Crime as Social Control," 2: 13. My argument does not depend upon the assumption that those who inflict unilateral violence on others, thinking that they are justified, are justified by moral standards prevailing in other sectors of society, or even in their own. For most of my readers it may be almost unthinkable, for example, that wife-beaters can think that they're justified, but usually they do think so. Looking back on American history, there was vigilante justice, which was enforced by self-appointed groups (usually, of the better sort of people) where law enforcement was considered to be corrupt or ineffectual. It's difficult to judge, today, how fair that justice was, if by fairness is meant, convicting and punishing the guilty. Then there was lynch law in the South, which, so far as we know, was, in that sense, almost never fair—but then it was always carried out with the connivance of local law enforcement. I would be the last person to say that social control is always a good thing. I am only saying that it happens, and not only from state action. We no longer have vigilantes or lynch mobs. Self-help criminal social control is now almost always individual. In anarchist jargon, it is still "direct action," but it's usually not "mutual aid."

10 Black, *Behavior of Law*, 2

11 Black, "Social Control as a Dependent Variable," 1: 2

nonlegal social control, and vice versa.¹² Thus “Crimes of self-help are more likely where law is less available.”¹³ When there is no law, and there is only nonlegal social control, that’s anarchy. And Black doesn’t hesitate to call it that. He is familiar with, and draws upon the historical and ethnographic evidence of viable primitive anarchist societies. And he even anticipates a gradual evolution toward a possible future anarchy — on the other side of modern state society.¹⁴

You might not be comfortable with the term “social control.” Black’s definition is that it refers to “any process by which people define and respond to deviant behavior.”¹⁵ You might not like the word “deviant” either, since you may suspect that you are one. You might say it another way, but Black is only saying that when some people do things that other people don’t like, the other people may do something about it, or at least react in some way. That’s inevitable. You can abolish law, but you can’t abolish consequences. Since society itself is interpersonal interaction when it assumes definite forms,¹⁶ it is implicitly limiting, as

12 “Law varies inversely with other social control.” Black, *Behavior of Law*, 107.

13 Black, “Crime as Social Control,” 2: 17.

14 Black, *Behavior of Law*, 123–137.

15 Black, “Social Control as a Dependent Variable,” 1: n. 1, 5. But “Deviant behavior is conduct that is subject to social control...”! Black, *Behavior of Law*, 9. This apparent circularity need not distract us from the main point that extralegal conduct, including crime, has some of the social effects claimed for law. Criminologists ask: Why do people commit crimes? Black asks: “Why do people commit social control?” Black, “Social Control as an Independent Variable,” 1: 14.

16 Simmel, *Sociology*, 1: 23.

an extreme anarchist individualist such as Renzo Novatore seems to have seen, and deplored.¹⁷

Some anarchists, such as Tolstoy, have advocated nonresistance; but none, to my knowledge, has advocated nonreaction. Even going limp is a reaction. Even turning the other cheek is a reaction. They are attempts to shame the victimizers or to win over public opinion: they are power ploys. Social control is not necessarily coercion. It may just be influence.¹⁸ Certain people may have to be beaten into polite behavior, but for others, persuading, mocking, shaming or shunning suffices. There's no reason why an anarchist society can't reduce overall social control as it eliminates legal social control entirely.¹⁹ What's more, nongovernmental social control is less punitive than law. It tends instead to be conciliatory, compensatory or therapeutic.²⁰

Crime and Prior Relationships

The police aren't always ineffectual. They often catch criminals in such cases as bank robbery, counterfeiting, and threatening the President. But it's possible to identify areas where they are least effective. One of

17 Renzo Novatore, *Toward the Creative Nothing* (n.p.:Venomous Butterfly, 2000) (not paginated).

18 Black, "Social Control as a Dependent Variable," 1: 5

19 Black denies the argument of some of his critics (a criticism which also occurred to me) that his theory implies that there is a fixed level or quantity of social control in all societies. Black, "Social Control as a Dependent Variable," 1: 15 n. 20. Surely there are, or have been, societies with less social control than, say, North Korea.

20 Black, "Social Control as a Dependent Variable," 1: 8–12.

them is where the victim and the criminal have some sort of current or prior relationship.

Most so-called street crime isn't committed by strangers. It's committed by family, friends and neighbors. The typical rape isn't a woman being dragged by the hair into an alley by some lust-crazed brute of a man. The typical rape is date rape. By now that shouldn't surprise anybody. But some other research findings probably will surprise you.

But before I report them, I want to give you an example to think about. A loans his bicycle to his friend B. B originally meant to return it, but he never did. A finally goes over to B's apartment and, finding the door closed but not locked, walks in. He retrieves his bike. B tries to stop him but A pushes him away. Some people would say that A was justified. Others would say that A had a legitimate grievance but went too far. Few people would consider this to be a highly serious incident.

But to the law, A appears to have committed two major felonies: burglary (because of what is, technically, a break-in at a dwelling) and robbery (because he used force in retaking the bike). It's legally irrelevant that it was A who owned the bike.²¹ And a final point of interest: B committed no crime in failing to return the bike. A complaint to the police by A

21 To make this statement more accurate, I should add, as a fact, that B, if he has to, intends to deny that the bicycle belonged to A. If A believes (as he does) that he has a right to possession of the bicycle, he lacks the mental element for larceny, the intent to steal, which would be necessary to both the robbery and larceny charges. (This is also why B committed no crime in merely failing to return the bicycle, if he intended to return it at the time when he borrowed it.) The police, who don't know who is lying, will probably not arrest anybody.

would be futile. From a technical legal viewpoint, B is blameless, as far as the criminal law is concerned, but A could in theory get many years in prison if his claim to own the bike is not believed. He will not, of course, get many years in prison, or any years in prison, whether he is believed or not—and Donald Black will explain why not.

There was a study done once in New York City by the Vera Institute of Justice that tried to find out why so few of the people charged with felonies are ever tried. It's no surprise that many arrests for minor offenses—misdemeanors—do not result in conviction. In one study of lower courts in New Haven, Connecticut, out of 1,600 cases over a period of several months, no misdemeanor case went to trial.²² Felonies are supposed to be serious crimes, punishable by imprisonment for more than a year. Yet of over 100,000 felony arrests in New York City during the period of the Vera Institute study, only 15% resulted in conviction for a felony, and only 5% of those charged were, in fact, ultimately punished by over a year in prison.²³

The most interesting finding of the study, for present purposes, is how many felony arrests involved people in what were there called prior relationships. Some of the statistics are surprising, even startling:

Homicide: 50%

22 Malcolm M. Feeley, *The Process Is the Punishment: Handling Cases in a Lower Criminal Court* (New York: Russell Sage Foundation, 1979), 9, 261.

23 Vera Institute of Justice, *Felony Arrests: Their Prosecution and Disposition in New York City's Courts* (rev. ed.; New York: Vera Institute of Justice and New York & London: Longmans, 1981), 1–2.

Rape: 83%

Felonious Assault: 69%

Robbery: 36%

Burglary: 39%

Grand Larceny (other than Auto): 55%²⁴

This is crucial background for thinking about crime as self-help.

Crime as Self-Help

Where the criminal and the victim know each other, the criminal usually believes that he has a grievance against the victim. According to Black, "Crime often expresses a grievance. This implies that many crimes belong to the same family as gossip, ridicule, vengeance, punishment, and law itself."²⁵ These crimes aren't motivated by greed or by antisocial psychological impulses. These are crimes that arise out of social relationships: "Disputes are social processes imbedded in social relations."²⁶ As Donald Black says, "much crime is moralistic and involves the pursuit of justice."²⁷ In other words, much crime resembles law. And I think that this implies that many crimes should be understood to involve interpersonal disputes, not just abstract transgressions of the authority (or transgressions of the abstract authority) of the state. It was

24 Ibid., 19.

25 Black, "Crime as Social Control," 2: 20.

26 Laura Nader & Harry F. Todd, Jr., "Introduction," *The Disputing Process—Law in Ten Societies*, ed. Laura Nader & Harry F. Todd, Jr. (New York: Columbia University Press, 1978), 16.

27 Black, "Crime as Social Control," 2: 1.

a gross understatement for one eminent sociologist to state that crime is “sometimes” a form of conflict.²⁸

Of course, some crimes don’t involve disputes. A hit-man doesn’t have a dispute with his target. Bank robbers don’t have a dispute with the bank. Counterfeiters don’t have a dispute with the Department of the Treasury. Crimes motivated only by hatred, lust or greed—or ideology—aren’t disputes.²⁹ This probably explains why the criminal justice system has some success in dealing with some of these crimes, although even then its performance is less than impressive. But it also explains why the system is much less effective in

28 Coser, *The Functions of Social Conflict*, 127.

29 Sally Engle Merry, “Going to Court: Strategies of Dispute Management in an American Urban Neighborhood,” in *The Law & Society Reader*, ed. Richard Abel (New York & London: New York University Press, 1995), 43. “Admittedly, there are conflicts that seem to exclude any other dynamic: e.g. that between the robber or rowdy and his victim.” Simmel, *Sociology*, 1: 236. The traditional anarchist argument is that crimes of greed—property crimes—will virtually disappear under anarchy, in conditions of abundance and equality. I think this is a good argument, although the issue is studiously avoided by criminologists and sociologists of law, who are, almost to a man (and the women are no better), policy pimps. But the anarchists are not so convincing when they discuss hate crimes, sex crimes, and, in general, impulsive or other emotionally motivated crimes. It is all very well to say that, after a generation or two grows up in an enlightened anarchist society, crimes of passion or resentment will also disappear. This is belied by the prevalence of such occurrences in stateless primitive societies. See, e.g., Nader & Todd, eds., *The Disputing Process*; E. Adamson Hoebel, *The Law of Primitive Man: A Study in Comparative Legal Dynamics* (New York: Atheneum, 1968). These anarchist societies merit our consideration, not because they have no disputes, but because many of them resolve disputes better than modern state societies do.

dealing with crimes which involve disputes between people who know each other. In those cases, although the suspects are easy to identify, very often there are no arrests, or else no charges are filed, or else that's as far as it goes. Thus, a study of the residents of a low-income Boston housing project found that "despite frequent appeals to the criminal courts in disputes within ongoing relationships, the formal legal system fails to resolve most disputes in the sense of providing a mutually acceptable settlement that terminates the dispute."³⁰

There are good reasons why somebody with a grievance might prefer self-help to calling the police. He might not like the police. The police might not like him. He might be a self-reliant kind of person. What he's complaining about might not be a crime, as in the case of A's dispute with B. Or he might be someone the police wouldn't take seriously. There are two major situations in which this might be true.

The first is if it's a prior-relationship crime. The tendency is for state officials to view it as a private matter, unless it's extremely serious, like homicide. And the police know that these cases have a way of going nowhere. They often involve a high level of victim noncooperation. It's not uncommon for the parties to reconcile. Police and prosecutors view some arrests as terminating a problem, not initiating the adjudication process.³¹ Ironically, these lawmen are thinking about these cases as Donald Black does: sociologically, not legally. If an arrest is made, or the case moves along a little further, to the filing of charges,

30 Merry, "Going to Court," 36.

31 Feeley, *The Process Is the Punishment*, 46.

that might be enough to satisfy the victim,³² which would be unlikely if the offender was a stranger. If a defendant eventually is convicted, he will be treated more leniently than if he were a stranger to the victim.

The second circumstance has to do with the social status of the people involved. If a crime is committed by a low status person against a low status person, Donald Black observes that police are less like to make arrests, prosecutors are less likely to prosecute, and judges are less likely to impose a harsh sentence.³³ The unspoken assumption is, "You know how those people are." Police and prosecutors and judges are higher status people, or else identify with them. They take care of their own.

And if the crime is committed by a low status person against another low status person, and they have a prior relationship, the likelihood of getting action out of the legal system is lowest of all. If you multiply a fraction by another fraction, the result is an even lower fraction. And this combination is a very common context of street crime. Somebody with a grievance would not necessarily be acting irrationally if he took the law into his own hands. For all its drawbacks, it might be better than nothing.

Social Control from Below

32 Merry found that "the court serves as a sanction, a way of harassing an enemy, rather than as a mode of airing and resolving disputes. It serves as an alternative to violence for those unable or unwilling to fight." "Going to Court," 54. Young men usually dealt with their disputes by fighting. Most women went to court. *Ibid.*, 49.

33 Black, *Behavior of Law*, 112–13.

One of the reasons why, for some people, crime is a better way to deal with grievances than law, is that law is much more available to some kinds of people than others. Self-help is more often resorted to where law is less available.³⁴ Lower class people of all sorts enjoy less legal protection: “To the police and other authorities, the problems of these people seem less severe, their injuries less severe, their honor less important.”³⁵ High status people use the law more than low status people, and especially they use it against low status people. Organizations use the law more than individuals—and especially they use it against individuals, and usually successfully.³⁶ Organizations and high status individuals both use the law more successfully than anyone. A high status organization like the state gets the very best results out of the law,³⁷ which is not too surprising—not only is the state high status and it is an organization, the state also invents the law, and the institutions that enforce the law.

There are various methods by which social inferiors try to influence—to control—their social superiors. Some of their methods involve committing

34 Black, “Crime as Social Control.” 2: 17; M.P. Baumgartner, “Social Control from Below,” in *Toward a General Theory of Social Control*, 1: 303–04.

35 Black, “Crime as Social Control.” 2: 18. In the ghetto there is “no access [to law] and lots of self-help.” Nader & Todd, “Introduction,” 40. However, it’s not that there’s no access to law—as the article by Merry (“Going to Court”) showed, low-income people in some settings may file many criminal complaints—but rather that the law rarely resolves their disputes.

36 Black, “Social Control as an Independent Variable,” 1: 15; Black, *Behavior of Law*, 92–93.

37 Black, *Behavior of Law*, 96.

crimes. Rebellions and revolts are such well-known examples that I won't discuss them now. There are two methods, more individualized, which may involve criminal retaliation.

The most important is covert retaliation. This often involves the theft or destruction of the superior's property.³⁸ The intent might be retributive and retaliatory, or to get compensation, or both. This is very common in the workplace. Take theft—that was my little joke. In embezzlement cases, for instance, the motivation isn't always greed: it may be a grievance against the boss or the company.³⁹ Workers also expropriate the expropriators in other ways, by work slowdowns, absenteeism, making personal use of company computers and phone lines, pilfering supplies, etc. Except for actually stealing company property, these methods may sometimes be illegal but they are usually not criminal. At worst, usually you get fired, not arrested. But these time-honored forms of class struggle are self-help—direct action—and they only differ from criminal self-help in that they're not subject to criminal prosecution.

I had an employer, the Michigan Court of Appeals, which I felt was oppressing and insulting me. All the other research attorneys felt the same way. So I made a large number of costly long distance calls to my best friend, who was living in Sweden at the time. I was suspected—when something dissident happens,

38 Black, "Crime as Social Control." 2: 4–5, 10–11; Baumgartner, "Social Control from Below," 1: 309–11.

39 Baumgartner, "Social Control from Below," 1: 310; Donald R. Cressey, *Other People's Money: A Study in the Social Psychology of Embezzlement* (Glencoe, IL: The Free Press, 1953), 57–62.

I'm always suspected. But even appellate court judges who are perforce experts in criminal law couldn't think of a crime to accuse me of. The clerk for one of the judges told me that he saw on the judge's desk an application for a warrant for my arrest. But one space was left blank: the space for the offense.

The other method is noncooperation. Tactics like work slowdowns and absenteeism aren't usually crimes. Neither is a rent strike. Willful refusal to pay taxes, though, is a crime. Draft refusal, when there was a military draft, was a serious crime. Refusal to register for the draft, for men aged 18–25, is still a crime, although draft registration as a measure of military preparedness is laughable. It is more a matter of instilling obedience for its own sake. I expect there are other examples. Anybody who is in a position, by covert retaliation or by just withholding cooperation, to strike back—without committing a crime—need not go out of her way to retaliate by committing a crime. Unless she wants to. Crime can be a transgressive thrill. It can make you feel better about yourself.

Vengeance

You might say, aren't you talking about vengeance? I say, yes, that's part of it, and why not? Vengeance is a universal social phenomenon. Adam Smith wrote that "retaliation seems to be the great law that is dictated by nature."⁴⁰ Francis Bacon wrote that "revenge is a

40 Adam Smith, *The Theory of Moral Sentiments* (New Rochelle, NY: Arlington House, 1969), 117.

kind of wild justice.”⁴¹ You find it even in anarchist primitive societies. Let’s try to understand what it is before condemning it prematurely.

Vengeance isn’t just an emotional outburst. Of course emotion enters into it, but you can say that about prayer, or laughter, or gambling, or anything that people do. In fact, vengeance is most effective when you carry it out after your immediate anger dies down. As they reputedly say in Sicily, “revenge is a dish best eaten cold.”⁴² And if anybody understands revenge, it’s the Sicilians.

Vengeance isn’t an internally generated impulse. Vengeance is a response. It’s a response to something that somebody does to you that harms you somehow and that you think is wrong. And while emotion does enter into it, often, so does calculation. Vengeance is really just criminal self-help where the purpose is mainly getting even, not getting compensated.

Is that irrational? Not necessarily. If honor is a high value for you, as it is for me, getting even may be more important than getting compensated. Unavenged

41 Francis Bacon, “Of Revenge,” *The Essayes*, ed. John Pitcher (Harmondsworth, Middlesex, England: Penguin Books, 1973), 73. By way of full disclosure I must add that Sir Francis (later Lord Verulam), a government prosecutor and later the highest judge (Lord Chancellor) of England, immediately added, “which the more men’s nature runs to, the more ought the law to weed it out.” Sir Francis implicitly admits that, as Adam Smith said, the will to vengeance comes naturally. Lord Verulam himself did some time for corruption in the Tower of London, the world’s first country club prison.

42 I’ve been unable to find a source for this saying, unless it’s Mario Puzo, author of *The Godfather*, a work of fiction, or Francis Ford Coppola, who directed the films.

wrongs can rankle even to the point of physical distress. But in many cases, whether you're touchy about your honor or not, getting compensated isn't possible anyway—for reasons previously discussed. That doesn't mean you have to let the bastard get off scot free.

Some of my enemies have gotten away with plenty, but my retaliation hurt them, sometimes permanently. It may not be all they've got coming, but, for all they know, I'm not through with them. They worry about that. They really do. And they should. And every time they worry about me, that punishes them a little bit more. There are some people worrying right now, just because I'm in town.⁴³

Extralegal retaliation is one form of an honored anarchist practice, direct action. Anybody who thinks vengeance can't be an appropriate anarchist response, should think about the Wobbly slogan: "We never forget." Or consider the anarchist bombings and assassinations of the late 19th and early 20th centuries, which were often announced to be reprisals for specific state actions, often actions taken against anarchists. Some anarchists now question the morality or prudence of these attentats, but the history at least shows that criminal self-help as vengeance is part of the anarchist tradition.

Criminal self-help has another advantage over resort to the law. You retain your autonomy and possibly

43 This essay is based on a presentation I made at the 11th annual B.A.S.T.A.R.D conference on April 10, 2011, in Berkeley, California. For the background to these remarks about my Bay Area enemies, see Bob Black, *The Baby and the Bathwater: The Unspeakable Truth about Processed World* (1½ ed.; Berkeley, CA: Slobboviated Press, 1985),

even have an opportunity for creativity. If you go to the police, that's all you can do. Whatever happens after that, if anything does, is out of your hands. You may even be disadvantaged if you later resort to private retaliation because you have, in advance, notified the police that you are a suspect if something happens to your enemy. If, on the other hand, you go in for do-it-yourself justice right from the get-go, you are at least self-sufficient.

I mentioned creativity. Let me provide a personal anecdote. I lived in an apartment building (this was in Oakland) where I had an obnoxious upstairs neighbor. We had several hostile encounters. Once, I was walking along and cutting through a corner parking lot, and this guy drove by, he turned into the parking lot, and tried to run me down. Probably he wouldn't really have done that, but, you run away scared all the same. Something I did get out of this experience, however, was that now I knew which car was his. Naturally he parked it near the apartment. My feeling about his car was, when a child abuses his toys, you take them away from him. So I slashed his tires. This is what I call "ironic justice." I must confess, slashing tires has been a source of satisfaction to me on more than one occasion.

This individual soon moved away. "Avoidance," moving away, is, according to Sally Engle Merry, the ultimate resolution of most of the disputes in her study, the ones that police and courts never resolved.⁴⁴ It was the resolution of my own dispute with certain leftist gentry in the Bay Area.

44 Merry, "Going to Court," 36, 55.

Vendettas and Feuds

At this point I should mention vendettas and feuds, which might be defined, roughly, as reciprocal vengeance between groups. They start out as conflicts between individuals who belong to different groups and escalate into conflicts between the groups that they belong to. The retaliation may not be against the original offender. Revenge might be taken against any adult male in his group, which is usually a kinship group in primitive societies. But it can also take place in modern societies, for example, between rival youth gangs, or feuding Mafia families. Sometimes feuds persist for more than a generation, but usually not. The famous feud between the McCoys and the Hatfields lasted 12 years, with 12 fatalities.⁴⁵ In one case on a Pacific island, it was 225 years until the final act of retaliation.⁴⁶ There they really never forget.

All I want to say about *that* is that these activities can't usually be said to resolve conflicts or maintain

45 Altina L. Waller, *Feud: Hatfields, McCoys, and Social Change in Appalachia, 1860–1900* (Chapel Hill, NC & London: University of North Carolina Press, 1988), 6. The real history of this feud is nothing like what people imagine. It commenced with litigation over possession of a pig. Ibid., 2–3. An interfamily extramarital romance was also involved. Ibid., 3. The families did as much litigating and prosecuting as shooting; one case went as far as the U.S. Supreme Court. State politics was also involved (the McCoys had a power base in Kentucky, the Hatfields in West Virginia).

46 Rolf Kuschel, *Vengeance is Their Reply: Blood Feuds and Homicide on Bellona Island. Part I: Conditions Underlying Generation s of Bloodshed* (Copenhagen: Denmark: Dansk psykologisk Forlag, 1988), 18–19.

social order, except where one side exterminates the other, or both sides just get tired of it, as happened with the McCoy-Hatfield feud. Feuding has a certain romantic appeal for me, maybe because I long for a group which would back me up. I've never had one. Vendetta and feud aren't likely even to arise in modern societies because we don't usually have kinship groups, just some relatives, or other solidary groups to call upon.

Risks and Costs of Criminal Self-Help

In saying all of this, I'm not saying that crime, considered as self-help conflict resolution, or social control, is always, or even often, a good idea. It involves risks and costs. There's always the risk that the victim, if he knows or suspects who you are, will retaliate, if he can. And there's the additional risk of getting arrested, as Francis Bacon perspicuously observed: "The most tolerable sort of revenge is for those wrongs which there is no law to remedy: but then let a man take heed, the revenge be such as there is no law to punish, else a man's enemy is still beforehand, and it is two for one."⁴⁷

I've explained that the risk is lower if the crime is between intimates, especially if they are of low status. The police are then much less likely to make an arrest. But the Vera Institute study would have had nothing to study, if New York's Finest hadn't arrested, in one year, tens of thousands of felony suspects who had prior relationships with the victim. In these cases, if you're arrested and prosecuted, and convicted, you may expect a relatively lenient sentence. But nobody

47 Bacon, "Of Revenge," 73.

likes to be arrested, prosecuted, convicted and sentenced, even if you receive a lenient sentence.

In saying this I hope I've anticipated the charge that I'm romanticizing crime the way some anarchists, such as Bakunin, have been accused of doing. I'm not bringing in Robin Hood or Zorro or so-called social bandits.⁴⁸ I'm not implying that there is anything inherently anarchist about crime. Where professional

48 The originator of the concept of social banditry, the Communist Party historian E.J. Hobsbawm, was carefully modest about its scope and frequency, and aware of its ambiguity. E.J. Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries* (New York: W.W. Norton and Company, 1965), ch. 2. Although it was not then the pressing concern for Marxists that it became later—and especially after 1989—Hobsbawm even in the 1950s advanced the traditional anti-anarchist Marxist agenda, minimizing the significance of the anarchist Makhnovist insurgency in Ukraine, even though the scale of its military operations and social reconstruction was far beyond banditry, social or otherwise. *Ibid.*, 28 & n. 2. For histories of the insurgency, see Peter Arshinov, *History of the Makhnovist Movement, 1918–1921*, tr. Lorraine & Fredy Perlman (Detroit, MI: Black & Red and Solidarity and Chicago, IL: Solidarity, 1974); Voline, *The Unknown Revolution, 1917–1921* (Detroit, MI: Black & Red and Chicago, IL: Solidarity, 1974), 541–711.

In 1990—a bad year for Commies!—Hobsbawm published the final revised edition of his book on social banditry: *Bandits* (rev. ed.; New York: The New Press, 1990). This final time around, he ignored Makhno entirely, but added a chapter, almost unreferenced, vilifying anarchists from Bakunin to Francisco Sabaté. *Ibid.*, 120–138. By then, his concept of social banditry had come under devastating criticism of which the most formidable, as he acknowledged, was Anton Blok, *The Mafia of a Sicilian Village, 1860–1960: A Study of Violent Peasant Entrepreneurs* (New York: Harper Torchbooks, 1972), 97–102. I read the book in manuscript, when I was doing independent study under Blok at the University of Michigan.

criminals are involved, criminals and police can get so intermingled that it's hard to tell them apart. Where police infiltrate radical groups, sometimes their agents get carried away, not only inciting but committing crimes.

So my argument doesn't depend on regarding criminals as unconscious revolutionaries. I think that's ridiculous. Only leftist intellectuals, who couldn't get themselves arrested if they tried, believe that. Criminals are mostly ordinary people, and ordinary people aren't unconscious revolutionaries either, despite what you may have heard from your friendly neighborhood class-struggle anarchist. They are ordinary people who victimize other ordinary people. Very few are psychopaths, and even fewer are revolutionaries. They don't rob from the rich and give to the poor. They rarely get to rob from the rich. The rich are hardened targets. And when the poor do rob from the rich, or from the poor, they don't give to the poor. They keep or fence the swag. About the only thing that may distinguish criminals from other people is their, on average, somewhat lesser self-control, their greater impulsivity.⁴⁹ Which may mean nothing more than that they are more likely to get caught. Ours is a "world in which

49 Gottfredson & Hirschi, *A General Theory of Crime*, 93–96. Even that generalization isn't firmly established: "No consistent, statistically significant differences between personality traits of delinquents and personality traits of nondelinquents have been found." Edwin H. Sutherland & Donald R. Cressey, *Criminology* (9th ed.; Philadelphia, PA: J.B. Lippincott & Co., 1974), 170. "Almost all crimes involve the expression of qualities that a man should not lack." Friedrich Nietzsche, *Writings from the Late Notebooks*, ed. Rüdiger Bittner, tr. Kate Sturge (Cambridge: Cambridge University Press, 2003), 184.

the fortunate are so very often the merely not found out.”⁵⁰ After all, we are all criminals.

Is Criminal Self-Help Just?

Criminal self-help means that people who think that they’ve been wronged, take the law into their own hands. It’s not a practice which is necessarily more fair than putting a case into the criminal justice system. There’s a legal adage that no one should be the judge in his own case. But in cases of self-help through crime, that’s exactly what happens. It’s like the title of the first Mike Hammer thriller: *I, the Jury*. There isn’t any due process of law in self-help cases. As Donald Black says, criminal self-help is “the expression of a grievance by unilateral aggression.”⁵¹ You don’t have any rights when your enemy is your self-appointed judge.

However, I would make three points in defense of self-help justice, considered as justice:

The first point, which is perhaps less than compelling, is that the criminal, in a case between intimates, at least knows all about his prior relationship with the victim which is the real basis of the dispute. It is otherwise in criminal court, where “facts that are relevant to restoring a balance, such as the past history of the dispute and the community reputation of the disputants, may be excluded as irrelevant to the

50 Ford Madox Ford, in Joseph Conrad & Ford Madox Ford, *The Nature of a Crime* (Garden City, NY: Doubleday, Page & Co., 1924), 97.

51 Black, “Crime as Social Control.” 2: 2.

particular case.”⁵² The avenger is biased, but at least he’s fully informed about the interpersonal context of the crime, whereas the judge is not, because most of that context is legally irrelevant.

The second point is that, in a legal system where most felonies and almost no misdemeanors come to trial, the victim or complainant usually gets little or no due process from the law either. The body of law is so massive that, “if all the laws were to be enforced, people would not be able to move. They can do so only because the police and the courts use discretion.”⁵³ The system is shot through with discretion from start to finish. Police don’t have to arrest anybody, and prosecutors don’t have to charge anybody. Those decisions are unilateral on their part, and having made them, they are answerable to nobody. The complainant or victim has no meaningful opportunity, after complaining, to be involved in these decisions.

The minimum definition of procedural due process, according to American constitutional law, is notice of a contemplated action and the opportunity to be heard.⁵⁴ If an arrest is made and if charges are filed, the

52 Merry, “Going to Court,” 52. Some of these facts may be elicited, following conviction, in a pre-sentencing report. Even aside from the low quality of these reports, they are only prepared in the small fraction of cases which have resulted in convictions for crime. And they are only considered with respect to punishment, not guilt.

53 William Clifford, “Alternatives to the Criminal Court System,” in *Neighborhood Justice: Assessment of an Emerging Idea*, ed. Roman Tomasic & Malcolm M. Feeley (New York & London: Longman, 1982), 206.

54 *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950).

complainant or victim has no notice of, or opportunity to be heard at, the decision to prosecute or not, which will be the private, unilateral decision of a prosecutor. At a criminal trial, due process shines forth in all its glory—sometimes. But criminal trials are rare. And the complainant/victim gets no special consideration there. He or she is only a witness, not a participant.⁵⁵

The third, and maybe the most important point, is that the criminal justice system is biased, not in a personal way, but in an institutional way. I discussed that earlier, drawing upon Donald Black's writings and other studies. The system is systematically discriminatory. It advantages "Repeat Players," regular users of the courts—such as prosecutors, landlords, and creditors—as against "One Shotters," people with little or no prior experience with the legal system. When the One-Shotters encounter it, they are usually on the receiving end, as defendants—these include accused criminals, tenants, and debtors.⁵⁶

55 Beginning in the 1970s, there's been a faddish concern for the victim, often referred to as "the forgotten man," which has been institutionalized in several ways, including the opportunity for victims to participate in the sentencing decision. Conservatives like that because it would introduce yet another influence in the direction of harsher punishment, as if there weren't enough such influences already. Liberals like it because liberals like victims. Victims themselves usually can't be bothered, and indeed their participation is pointless in a system of unlimited discretion in the prosecutor, and plea bargaining as the immediate determinant of nearly all sentences. For my critique, see Robert C. Black, "Forgotten Penological Purposes: A Critique of Victim Participation in Sentencing," *Am. J. of Jurisprudence* 39 (1994): 225–240.

56 Marc Galanter, "How the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change," 9 *Law & Soc'y Rev.*

The system is biased in favor of the higher status person, whether criminal or victim, as against the lower status person, whether criminal or victim. It's biased against lower status people generally, when they have disputes, which aren't taken seriously, especially if these people aren't white.

Even the state's law recognizes what is called the Rule of Necessity: even if a judge is biased, he must decide the case before him if no other judge has jurisdiction.⁵⁷ In other words: better law without due process than no law at all. Of course, the Necessity doesn't alleviate the unfairness. In the leading American case announcing the Rule of Necessity, Chancellor James Kent of New York had to decide a case—because nobody else was authorized to—to which his brother-in-law was a party.⁵⁸ Guess who

(1974): 95–151, abridged reprint in Abel, ed., *Law & Society Reader*. I might have based my argument, to a considerable degree, on Galanter rather than Black, but there wasn't time and space to do justice to both. Their approaches are very different, but their conclusions are similar. Both, for instance, emphasize the advantage organizations have over individuals. Galanter, unlike Black, takes institutional legal processes seriously, and in that respect I think he has a stronger argument. But then Galanter and I are lawyers and Black is not.

57 *United States v. Will*, 449 U.S. 200, 213–15 (1980). The Rule goes back to a case in medieval England where the judge himself was the plaintiff. Y.B. Hil., 8 Hen. VI, f. 19, pl. 6 (1430).

58 *Moers v. White*, 6 Johns. Cas. 360 (N.Y. Ch. 1822). The ultra-conservative Kent was nationally renowned not only for his equity jurisprudence but for his influential treatises on constitutional law and other subjects. At the New York State Library in Albany, I came across a small collection of Kent's letters. In 1845, at age 82, Kent voted in a New York City election. He found the experience so repugnant that he vowed never to vote

won? If my arguments have any merit, there are many people who face a similar choice. Of course they're biased, they are victims of crime, or of abuses ignored by the law, but nobody else is going to deal with their grievances. That's why there's so much criminal self-help. It is, for some, a felt Necessity.

Which Is Better?

In a law-ridden state society such as ours, neither law nor crime is always the best way to deal with disputes. Deriving as they both do from the state, law and crime compete to be the lesser evil. There isn't any general answer. It all depends on the nature of the dispute, the social status of the disputants, what the law actually is, the availability or unavailability of third parties such as mediators or arbitrators or judges, and the facts of the case.⁵⁹ Nobody has even tried to

again. Elections, he wrote, "are all a farce & we are cheated out of our rights by knavery & violence. I feel degraded to go to the Poll and put in a Ballot amidst Vagabonds [mostly Irish] any one of whom destroys my vote. I consider Democracy a humbug & at the late City Election for Mayor I did not go to the Poll." Letter to Ambrose Spencer, A.L.S., April 14, 1845, James Kent Collection, 1785–1845, New York State Library. Kent was of course correct about democracy. Bob Black, *Debunking Democracy* (Berkeley, CA: CAL Press, 2011).

59 Black, "Social Control as a Dependent Variable," 2: 7–8. I have not discussed here the third factor—the forms of dispute processing as such (conciliation, negotiation, mediation, arbitration, adjudication, etc.) as they have been classified by, e.g., Nader & Todd, "Introduction," 9–11; Frank E.A. Sander, "Varieties of Dispute Processing," in Tomasic & Feeley, eds., *Neighborhood Justice*, 26–29. Amusingly, Sander dismisses several evidently less respectable mechanisms, including self-help, as "not of central concern here because of their limited utility or acceptability,"

measure to what extent social order in this society depends on law enforcement, or on crime, or on activity which is neither law enforcement nor crime, or on other influences. That's impossible. Nobody could quantify these factors. But nobody who is well-informed can minimize the importance of any of them, with the possible exception of the enforcement of the criminal law.

Conclusion

My argument is just this: that, in a statist, law-ridden society like ours, social order isn't only, or even mainly, imposed by law. It has other supports. The one I've singled out is crime, for two reasons: (1) because it's been largely overlooked, and (2) because it's a genuinely anarchist source of order which is of some importance.

ibid., 29—although a community study in the same volume found a primary reliance on self-help, Suzann R. Thomas-Buckle & Leonard G. Buckle, "Doing onto Others: Disputes and Dispute Processing in an Urban American Neighborhood," *ibid.*, 79–80. With respect to American criminal prosecutions, only adjudication matters—the attempts to insert the other disputing procedures into the legal system have been few and far between and usually "court-annexed," i.e., they are just ways for prosecutors (who must approve these referrals) to unload some of what they call garbage cases. On the rise and rapid fall of these failed reforms, see Roman Tomasic, "Mediation as an Alternative to Adjudication: Rhetoric and Reality in the Neighborhood Justice Movement," in *Neighborhood Justice*, 215–48. Bail reform, pretrial diversion, sentencing reform, and speedy trial rules are among other failed reforms. Malcolm M. Feeley, *Court Reform on Trial: When Simple Solutions Fail* (New York: Basic Books, 1983), chs. 2–5.

I think that this argument should be added to the existing arguments why anarchy doesn't mean chaos. It's consistent with the other arguments. It is anticipated by Kropotkin's classic argument that collective self-help, "mutual aid," is a major source of social order even in state societies,⁶⁰ although Kropotkin made little if any reference to mutual aid as a means of dispute resolution. Anarchists also argue that in a cooperative, egalitarian society, there would be much less crime (and virtually no property crime). What's left would be handled, whenever possible, in a less punitive and more conciliatory manner.

In an anarchist society, a conflict isn't wrenched out of its interpersonal context—if it has one—as, we suppose, in a decentralized anarchist society, it usually will. There doesn't have to be a judgment of guilt or innocence. Anarchist methods work best where the law is at its worst, where the conflict or grievance involves a dispute, not impersonal unilateral aggression, and arises out of a prior relationship. The evidence of anthropology supports those arguments. It supports my argument.

The popular fear of anarchism above all consists of the fear that, without military and police protection, people would be helpless against violent predation. Errico Malatesta saw this, as he saw many things, clearly: every anarchist "is familiar with the key objections: who will keep criminals in check?"

He believed their danger to be, as I do, greatly exaggerated. But (he goes on to say) "delinquency"

60 Peter Kropotkin, *Mutual Aid: A Factor of Evolution*, ed. Paul Avrich (New York: New York University Press, 1972), esp. chs. 7–8.

will “certainly not disappear following a revolution, however radical and thoroughgoing it may turn out to be.” Therefore: “It is worthwhile and indeed necessary that anarchists should consider the problem in greater detail than they normally do, not only the better to deal with a popular ‘objection’ but in order not to expose themselves to unpleasant surprises and dangerous contradictions.”⁶¹ Sage advice: but anarchists have usually slighted the matter.⁶²

61 “Crime and Punishment,” *Malatesta: His Life & Ideas*, comp. & ed. Vernon Richards (London: Freedom Press, 1977), 105. For an example, an anarchist, “Scott W.,” who recently, in “The [sic] Anarchist Response to Crime,” laid out a post-revolutionary anarchist crime-control scenario—complete with police (renamed “militias,” assisted by “forensic collectives” and “detective collectives”) and prisons, and he explained that we will need a few generations to eradicate crime. Then it will wither away, perhaps. The term “collective” is apparently unlimitedly elastic, inclusive, and approving, if even detectives and crime lab technicians are okay, so long as they are organized into collectives. Scott’s essay, and my rejoinder, “An Anarchist Response to ‘The Anarchist Response to Crime,’” are available online at The Anarchist Library.

62 The problem of “delinquency ... has not occupied a great space in anarchist theory, Peter Kropotkin brushing it aside contemptuously. In a free society there will be no crime.” Stuart Christie, “Publisher’s Foreword” to Larry Tift & Dennis Sullivan, *The Struggle to Be Human: Crime, Criminology, and Anarchism* (Sanday, Orkney, Scotland: Cienfuegos Press, 1980), xiii. Christie was right, but unfortunately, the Tift and Sullivan book adds nothing to an anarchist theory of crime. It is mostly just liberal humanist moralistic whining and whimpering to the effect that the state is the real criminal. That, besides being self-contradictory nonsense (crime is defined by law, which is produced and selectively enforced by the state), legitimizes the concept of crime, which presupposes law, which presupposes the state. A better, and better written, and briefer version of a related argument is in Alex

We need to confront the popular fear of anarchism head-on, and use every honest argument to dispel it. Most of the traditional anarchist answers still have some validity—although they need to be critically revised and modernized. But these answers have obviously failed to convince more than a few people—as, indeed, all our arguments have failed to convince more than a few people.

The supposed protections of the law are overrated, and anarchists have overlooked some of the evidence of this.⁶³ The predatory predilections of some peo-

Comfort, *Authority and Delinquency in the Modern State: A Criminological Approach to the Problem of Power* (London; Routledge and Kegan Paul Ltd., 1950). Dr. Comfort (yes, he's the author of *The Joy of Sex*) argues that where there exists a state, predators and psychopaths are likely to staff it in disproportionate numbers. Not only does power corrupt, power attracts the already corrupt. That's fine—as far as it goes. If AK Press or PM Press had even a slight interest in reprinting genuine anarchist classics, they should reprint this one. But, since they don't, they won't.

But, who are the real criminals? Criminals are the real criminals. Am I being simple? Sure. Better to be simply right than simply wrong.

63 For example, one of the rare examples of experimental research in criminology is reported in George L. Kelling, Tony Pate, Duane Dieckman, & Charles E. Brown, *The Kansas City Preventive Patrol Experiment: A Summary Report* (Washington, DC: The Police Foundation, 1974), available at www.policefoundation.org. Preventive police patrol—that is, police driving around looking for trouble, or pretending to—was systematically discontinued, without notice to the public, in one neighborhood after another. (The police still answered service calls, as the fire department does.) The withdrawal of preventive police patrol protection had no effect on reported crime rates. It had no effect on citizen perceptions of their safety. Police patrol is thus useless for crime control. Needless to say, no police department has, on

ple are exaggerated by the law-and-order establishment and their academic camp followers, although, we shouldn't pretend that there aren't some bad guys, or that they will all respond well to love and therapy.⁶⁴ The capacities of people self-acting, individually or collectively, for self-protection have been underrated. People are already operating, usually apart from the law, and often against the law, in various ways to resolve their conflicts. This is what we should try to convince people of. They should be informed that

the basis of this discovery, discontinued driving-around patrol (with stops for doughnuts). See also Herbert Jacob, *The Frustration of Policy: Police Responses to Crime by American Cities* (Boston, MA: Little, Brown & Co., 1984).

64 I recall the experience of a friend of mine, "Zack Replica" (a pseudonym), my collaborator in Dial-a-Rumor (see Bob Black, "Tales from Dial-a-Rumor," *Friendly Fire* [Brooklyn, NY: Autonomedia, 1992], 71–89). Zack, who is handicapped, lived in Berkeley, California at the same time I did. Zack had been rather sympathetic to the arguments of libertarian psychiatrist Thomas S. Szasz in *The Myth of Mental Illness: Foundations of a Theory of Personal Conduct* (New York: Harper & Row, 1961). But one has to have doubts about a psychiatrist whose wife committed suicide. Zack had a belligerent upstairs neighbor (I forget his name), a paranoid schizophrenic who was threatening Zack with violence for no reason. It takes a big bad brave man to threaten somebody in a wheelchair. Zack concluded, if Thomas Szasz thinks mental illness is a myth, he should meet my upstairs neighbor!

Along with a mutual friend, "Cal Crusher," I harassed the neighbor with threatening letters from an imaginary lawyer. This was, in practice, what anarcho-leftists, in theory, call solidarity, direct action, and mutual aid—but which, in practice, they don't practice. We practiced direct action and mutual aid. How many of my anarchist enemies can say the same? If I recall, the persecutor committed suicide.

“anarchy is found in all societies to some degree.”⁶⁵ And that there would be effective ways in anarchist society to deal with the disputes, which may always be with us, which arise in everyday life, and also—more severely—ways to deal with chronic predators or people who just have no self-control.

I am not convinced that there so many chronic troublemakers, even now, that enough of them couldn't be convinced, cured, or contained; or shamed and shunned; or run out of town; or as a last resort—and I accept this, as all primitive stateless societies have apparently accepted it—even killed, rather than compromise the anarchism that everybody else wants to live, or try to live, if everybody else ever wants to live this way, or at least to go along with those of us who do. Indiscriminate tolerance did in the Flower Children. If the choice is between Hannibal Lechter and anarchy, I prefer anarchy minus Hannibal Lechter.

But, this issue is more silly than serious. One of the greatest ironies of state society is that the state is much worse at protecting us than it is at preventing us from protecting ourselves.⁶⁶ As Francis Bacon put

65 Black, *Behavior of Law*, 124.

66 “It has often been said that the State is as intrusive as it is impotent. It makes a sickly attempt to extend itself over all sorts of things which do not belong to it, or which it grasps only by doing them violence. Thence the expenditure of energy with which the State is reproached and which is truly out of proportion to the results obtained. On the other hand, individuals are no longer subject to any other collective control but the State's, since it is the sole organized collectivity... While the State becomes inflated and hypertrophied in order to obtain a firm enough grip upon individuals, but without succeeding, the latter, without mutual relationships, tumble over one another like

it, where you had one enemy, now you have two. And the state is best of all at protecting the state. Under anarchy, there will be only one enemy, and you, and your friends, and the friends of anarchy will deal with the common enemy, feeling a sense of solidarity, just like Durkheim said!

What Bacon called wild justice is better than no justice at all. I like my justice to be a little wild. For all its drawbacks, taking the law into your own hands can be a source of satisfaction, even exhilaration, that you just can't get by working through the system. I earlier insisted, and I still do, that vengeance isn't just a reflexive, emotional lashing-out. But neither is vengeance just the result of a cold cost-benefit analysis. It has an emotional dimension, and why not? It's expressive as well as instrumental. Vengeance can be empowering. Along with the justice of vengeance, there's the joy of vengeance. And isn't anarchism the only politics of joy?

so many liquid molecules, encountering no central energy to retain, fix and organize them." Emile Durkheim, *Suicide: A Study in Sociology*, ed. George Simpson, tr. John A. Spaulding & George Simpson (New York: The Free Press, 1951), 389.

FIJA

Monkeywrenching the Legal System

You are a juror. These are the facts:

- A young man is permanently paralysed from the neck down in a motorcycle accident. He is in unspeakable agony which will continue for the rest of his life. He begs his younger brother to kill him. The brother does, as he later explains, out of love. The charge: first-degree murder.¹ What is your verdict?
- An unemployed black teenager, raised in a fatherless welfare family, robs a liquor store. When the white proprietor draws a gun, the startled youth shoots and kills him. The prosecutor asks for the death penalty. The charge: first-degree (felony) murder. In this Southern state, the jury determines guilt

1 Paige Mitchell, *Act of Love: The Killing of George Zygmank* (New York: Alfred A. Knopf, 1976).

or innocence, but the judge sets the penalty.² You know that it is more than twice as likely that a black who has murdered a white will be sentenced to death than if his victim were black.³ What is your verdict?

- A wife has suffered years of violence at the hands of her husband, a foreign-born physician. One morning, after beating her, he threatened her with a gun and ordered her out of the house. When he put the gun down, she picked it up, shouting that “I am not going to leave you, I mean it,” and shot him to death. The charge: second-degree murder. The defense: self-defense.⁴ What is your verdict?
- A cocaine addict becomes a dealer in order to support his habit. During a traffic stop, police discover 1.5 pounds of cocaine. The charge: possession (not possession with intent to sell) of more than 650

2 As in Florida, Fla. Stat. Ann. § 921.141. The judge makes the death penalty decision in seven states altogether. Welsh S. White, *The Death Penalty in the Nineties: An Examination of the Modern System of Capital Punishment* (Ann Arbor, Mich.: The University of Michigan Press, 1991), 92 n. 2.

3 McCleskey v. Kemp, 481 U.S. 279 (1987) (upholding a Georgia death sentence despite statistical proof of such a disparity); James R. Acker, “Social Sciences and the Criminal Law: Capital Punishment by the Numbers—An Analysis of McCleskey v. Kemp,” *Criminal Law Bulletin* 23 (Sept.-Oct. 1987): 454-482; see generally Gregory D. Russell, *The Death Penalty and Racial Bias: Overturning Supreme Court Assumptions* (Westport, Conn.: Greenwood Press, 1994).

4 Ibn-Tamas v. United States, 455 A.2d 893 (D.C. 1983); Ibn-Tamas v. United States, 407 A.2d 626 (D.C. 1979).

grams of cocaine. In this state — and in this state alone — the penalty for this offense, even a first offense, is mandatory life imprisonment without possibility of parole.⁵ What is your verdict?

- A college student publicly announces his refusal to register with the Selective Service System. A libertarian, he believes conscription is a violation of natural law and his natural right of self-ownership of his person. As a male between the ages of 18 and 26 he is, nonetheless, required to register. The charge: nonregistration (a felony).⁶ What is your verdict?

If in every one of these cases your verdict is “guilty,” you were — legally — absolutely right. And you are everything the law requires of a good juror: a good soldier who is “only obeying orders,” as the Nuremberg defendants used to say. In a jury trial, the orders are known as “instructions.” The judge informs the jurors what he considers the applicable law to be, and tells them to apply this judge-chosen (and often judge-made) “law” to the “facts.” Not all the facts, though — just the ones the judge allows the jury to “find” — facts filtered through the world’s most

5 Harmelin v. Michigan, 111 S. Ct. 2680 (1991) (upholding such a sentence as not constituting cruel and unusual punishment).

6 For some reasons for the legal futility of these moral claims, see L.A. Rollins, *The Myth of Natural Rights* (Port Townsend, Washington: Loompanics Unlimited, 1983); Robert Anton Wilson, *Natural Law, or, Don't Put a Rubber on Your Willy* (Port Townsend, Washington: Loompanics Unlimited).

complex rules of evidence by (guess who?) the judge.⁷ No juror, for example, ever gets to ask a witness a question she considers “relevant” and “material.” Nor may she make use of any facts about the case (even if they are relevant) learned out of court. Indeed, had it been known she possessed any such information, she would not have been allowed to be a juror at all. Even some information the jurors did acquire in court they will be, again, “instructed” to ignore if it was something the judge thinks the witness should not have said.

Thus, trial by jury as the judges envision it today is a black box set-up. The judge-given law is the box. The judge-filtered facts are put into the box. The verdict (and, in about 13 states, also the sentence⁸) comes out of the box. But if this is all there is to the jury’s role, trial by jury is obviously a costly, inefficient anachronism; no wonder the rest of the world has largely done away with it. The judge might as well “find” the facts himself, as indeed he does in the “bench trials” which comprise about one-third of all criminal trials.

Trial by jury would have gone the way of trial by ordeal or trial by battle except for one thing: the United States Constitution. In no less than three places the Constitution guarantees the right of trial

7 A lawyer, an expert in the field, referred to American rules of evidence as “the most careful attempt to control the processes of communication to be found outside a laboratory.” E.W. Cleary, “Evidence as a Problem in Communicating,” 5 *Vanderbilt Law Review* (1952), 282.

8 Rita J. Simon, *The Jury: Its Role in American Society* (Lexington, Mass.: Lexington Books, 1980), .

by jury in certain civil and criminal cases.⁹ Clearly the Founding Fathers envisioned a wider role for the jury than the judges now allow—and the historical record reveals exactly what juries then did and what they were supposed to do.

From the colonial era until well into the nineteenth century, American juries were judges of “law” as well as judges of “fact.”¹⁰ This meant two things. First, juries didn’t have to take the judge’s word for it as to what the law was. This made good sense at the time. Most judges were not even lawyers; most lawyers for that matter were self-taught and less than learned in the law; and the sources of the law weren’t readily available (publication of judicial “opinions” was barely beginning).

Second, and more important, a jury had the right to “nullify” the law—to return a verdict in favor of a defendant even if, on the facts and given the applicable law, he was guilty of a crime or liable for damages in a civil suit. If the jury thought the applicable law was bad law, or ought not to be applied in the particular circumstances of the case, it nullified the law in the case at hand by finding for the defendant. Jurors could, and sometimes did, vote their consciences. Probably not very often. Most jurors don’t, and never did, have any principled objections to laws against murder, rape, robbery, reckless driving and so forth. Most crimes

9 Art. II, § 2; Am. VI; Am. VII; see also n. 19, *infra*. Similar provisions appear in all state constitutions.

10 Lawrence M. Friedman, *A History of American Law* (2d ed.; New York: Touchstone Books, 1985), 155–156; Kermit L. Hall, *The Magic Mirror: Law in American History* (New York: Oxford University Press, 1989), 107–108.

are not, for instance, by any stretch of the imagination “victimless.” And most jurors are not anarchists. But in a legal system otherwise completely dominated by officials and professionals, the jury—a temporary body of citizen-amateurs—still has the power to thwart the state. Here and only here “the people,” not their “representatives” or “public servants,” wield power directly.

For though the judges from the U.S. Supreme Court on down¹¹ have nullified the jury’s “right” to judge the law, they affirm its *power* to do so. This is no verbal quibble. If nullification were a right, jurors would be “instructed” about it—but such instructions, requested by defendants, are always refused. Indeed, prospective jurors (prospective jurors take note!) who reveal their knowledge of the power are apparently routinely disqualified.¹² Yet the power is real. To say that jurors have the nullification power means that, if they use their power, they will get away with it. They cannot be prosecuted or punished. They cannot be sued or in any way held to answer for what they do in the privacy of the jury room. Nor are they susceptible to the informal controls, the interaction patterns which transform the courtroom regulars into “work groups” of professionals with shared understandings and with a common interest in moving the cases along.¹³ Once they return a verdict the jurors

11 Sparf and Hansen v. United States, 156 U.S. 51 (1895); United States v. Dougherty, 473 F.2d 113 (D.C. Cir. 1972).

12 E.g., Kathy L. Harrer, “Fun With FIJA in Federal District Court,” *The FIJA* Activist No. 12 (Summer 1993), 18 (reprinted from the *Arizona Libertarian*).

13 James Eisenstein and Herbert Jacob, *Felony Justice: An Organizational Analysis of Criminal Courts* (Boston: Little, Brown and

go home, probably never to return. They of course don't have to subordinate law to justice—but they're the only actors in the system who can do so with impunity.

In just a few years a grass-roots movement has sprung up whose aim is to restore to the jury as a right the power it still has to nullify the law: FIJA. FIJA stands for three things. It is an organization, the Fully Informed Jury Association. It is a proposed (Federal and/or state) constitutional amendment, the Fully Informed Jury Amendment; and it is proposed legislation, the Fully Informed Jury Act, to implement the amendment. FIJA (the amendment) exists in short and long (“Maxi-FIJA”) versions—this is the short form: “Whenever government is one of the parties in a trial by jury, the court shall inform the jurors that each of them has an inherent right to vote on the verdict, in the direction of mercy, according to his own conscience and sense of justice. Exercise of this right may include jury consideration of the defendant’s motives and circumstances, degree of harm done, and evaluation of the law itself. Failure to so inform the jury is grounds for mistrial and another trial by jury.”¹⁴ So worded, FIJA would apply to some (not many) civil actions, but this analysis will be confined to FIJA’s impact on criminal cases.

FIJA activists are a disparate lot with, it may be, inconsistent or unrealistic expectations as to what the Amendment would actually accomplish. Libertarians

Company, 1977), chs. 2 & 3.

14 ‘FIJA’ *Jury Power Information Kit* (Helmville, Montana: Fully Informed Jury Association, n.d.), 2.

apparently expect nullification in regulatory and victimless-crime cases. So-called Constitutionalists evidently expect that fully informed jurors would sympathize with their peculiar ideas about taxation, legal tender and other issues. Some ethnic activists are interested in FIJA as a check on the racial bias they perceive in the legal system. And assorted legally aggrieved individuals suppose that they would have fared better with a fully informed jury. There is even some support for jury nullification instructions from legal academics,¹⁵ although I have found no reference to FIJA itself in law texts and journals.¹⁶

My interest in FIJA is different. One court in refusing to give jury nullification instructions claimed that jurors already know of their nullification powers—a blatant falsehood—but that “to institutionalize these powers in routine instructions to the jury would alter the system in unpredictable ways.”¹⁷ I think FIJA might well “alter the system”—that’s the point!—but perhaps in predictable ways.

15 E.g., A Schelfin and A. Van Dyke, “Jury Nullification: The Contours of a Controversy,” 43 *Law & Contemporary Problems* (1980): 51–115.

16 Based on a recent (1994) term search of the TP-ALL (Texts & Periodicals) database of the computerized legal research program WESTLAW.

17 *United States v. Dougherty*, supra, 473 F.2d at 115. In other words, jurors are presumed to be ignorant of every single principle of law except one—their power to nullify all the others! Jury simulation research confirms the common-sense intuition that FIJA-like nullification instructions do affect some verdicts. Irwin A. Horowitz, “The Effect of Jury Nullification Instructions on Verdicts and Jury Functioning in Criminal Trials,” 9 *Law & Human Behavior* (1985): 25–36.

Many FIJActivists sincerely desire the return of a Golden Age of upright yeoman jurors and adversarial justice that probably never was. Historically, some juries did nullify prosecutions based on religious bigotry (William Penn) or political persecution (John Peter Zenger). Juries nullified cases against fugitive slaves in the 1850s and bootleggers in the 1920s. But other juries condemned John Brown and the Haymarket anarchists and Sacco and Vanzetti and the Scottsboro Boys and Leonard Peltier. It won't do to romanticise the jury. Judges agree with the great majority of jury verdicts.¹⁸ After all, most cases, civil and criminal, are pretty cut-and-dried. An extensive body of research confirms that juries assign highest importance to just what the system asks them to pass upon—the evidence.¹⁹

And yet—and yet—the jury is unlike any other institution of government. The same U.S. Supreme Court which opposes jury nullification instructions paradoxically agrees with the FIJActivist premise that “[a] right to jury trial is granted to criminal defendants in order to prevent oppression by the government.”²⁰ A black-box jury can do nothing of the sort.

18 Harry Kalven, Jr. and Hans Zeisel, *The American Jury* (Boston: Little, Brown and Company, 1966), 56–57 (approximately 75% agreement).

19 Kalven & Zeisel, *supra* n. 17, at 162; Diane L. Bridgeman and David Merlowe, “Jury Decision Making: An Empirical Study Based on Actual Felony Trials,” 64 *Journal of Applied Psychology* (1979), 97–98.

20 *Duncan v. Louisiana*, 391 U.S. 145 (1968)—the case which held that the Fourteenth Amendment guarantees state criminal defendants a jury trial in every case where Federal criminal defendants would be entitled to one under the Sixth Amendment.

If there is any place to sabotage the system from within, this is probably it. But if FIJA has any potential as a monkey-wrench it will have to be estimated, not by some constitutional or moral ideal, not by the “law on the books,” but by what Roscoe Pound called the “law in action”—the real world of the present-day criminal justice system.

The first lesson to be learned about the real-world criminal justice system is that trial—much less trial by jury—is the exception, not the rule. Only about 10% of felony cases go to trial. An almost imperceptible fraction of misdemeanor cases go to trial.²¹ One-third of felony trials are, by request of the defendants, bench trials (nonjury trials). The vast majority of cases are either dismissed or else resolved by guilty pleas (often, but not always, pleas to lesser charges). There is a popular misconception that plea-bargaining is necessitated by heavy caseloads. It isn’t. Plea-bargaining is about as frequent in low-caseload courts as in high-caseload courts.²² Historical evidence suggests that plea-bargaining is nothing new—that it goes back at least to the later nineteenth century,²³ when caseloads were light. Interestingly, that is the very period

21 In a leading study of a misdemeanor court the sample of hundreds of cases analysed included no trials at all! Malcolm M. Feeley, *The Process Is the Punishment: Handling Cases in a Lower Criminal Court* (New York: Russell Sage Foundation, 1979), 127.

22 Feeley, *Process*, ch. 8; Milton Heumann, *Plea Bargaining: The Experiences of Prosecutors, Judges, and Defense Attorneys* (Chicago: University of Chicago Press, 1978), 157 & passim.

23 Lawrence M. Friedman, *Crime and Punishment in United States History* (New York: Basic Books, 1993), 251–252; Kermit L. Hall, *The Magic Mirror: Law in American History* (New York: Oxford University Press, 1989), 183–184.

in which the judiciary accelerated its encroachment upon the jury's legal autonomy. Both trends—toward pretrial dispositions and toward judge-controlled juries—had a common consequence: the resolution of cases by legal professionals, not ordinary community people.²⁴

What does this have to do with FIJA? Only everything. Without a trial there is no trial by jury. Without a trial by jury, FIJA is irrelevant. FIJA would matter if, and only if it made a difference, not only in what juries do, but in how often cases go to trial. There is evidence that juries usually agree with judges but that when they do not, the direction of the difference is usually, as FIJA presupposes, in the direction of leniency.²⁵ And there is evidence that juries given nullification instructions do, in certain sorts of cases—murder prosecutions for mercy-killing, for instance—override the letter of the law,²⁶ as FIJActivists hope and expect they would. FIJA would, then, probably make some difference in what juries do, on the relatively infrequent occasions they get to do anything. But would it lead to more jury trials? And if it did, what would that lead to?

24 Not that I want to indulge in the romanticism I say some FIJActivists exhibit. Local powerholders have often had much influence over jury selection, and discrimination in jury selection on many bases—race, class, gender, ideology—was long lawful and still occurs unofficially. But the ideal of the jury as representative of the community as opposed to the state apparatus still has some vitality.

25 Kalven and Zeisel, *supra* n. 17, at 58.

26 Horowitz, *supra* n. 17.

Although criminal trials are exceptional, they set the standard for the terms of the far more numerous pretrial dispositions. It is with reference to what probably would happen at trial that prosecutors, defense attorneys and sometimes judges arrive at a “going rate” for a particular offense, sometimes by bargaining, but often also by arriving at an implicit consensus. As Malcolm Feeley puts it, the expression “plea bargaining” is often misleading insofar as it suggests haggling over the price of a particular product in an Oriental bazaar. There is some of that, but the better analogy is the supermarket where prices are, to be sure, determined by prior trends in supply and demand but which are normally not negotiated at the checkout stand.²⁷ A criminal conviction is a sort of anti-commodity: you pay a fixed price, not to obtain it, but not to obtain it.

If the criminal justice system is a commodities market, its currency is time. No one ever has enough of it, not because everybody is swamped with work, but because none of the courtroom regulars sees any reason to waste his time and antagonize his counterparts by aggressively litigating any case (and this is the typical case) whose outcome is a foregone conclusion. All the professionals have an interest in moving their caseloads—it is almost their only objective measure of accomplishment, and accomplishments which cannot be measured do nothing for anybody’s career. The partial exception is the prosecutor, for whom the conviction rate is a still more crucial pseudo-objective measure of performance. But the prosecutor is at least

27 Feeley, *Process*, 185–196.

as zealous for negotiated settlements as anybody else, since a plea-bargain guarantees a conviction for something, whereas at trial there's a risk, if not a very high risk, of acquittal. Plea bargains also insulate the police, on whom prosecutors rely to supply defendants to prosecute and evidence to convict them, from any accountability for their illegal arrests, searches and seizures, to say nothing of their gratuitous brutalities. These rights violations strengthen the defense attorney's bargaining hand—that's part of the game—but get traded away for better deals. But whether a defendant gets a good deal or a bad one, too harsh or too lenient, no jury has any say in the matter. Unless FIJA has some serious impact on these entrenched arrangements, it might still be a worthy if marginal reform but it is likely to disappoint FIJActivists and antinomian monkey-wrenchers.

How might jury trials, if there were more of them, change the outcomes of cases? In New York, the Rockefeller drug law of the early 1970s mandated harsh penalties (and limited plea bargaining) for even minor first-time offenses. Judges no longer inflicted harsher penalties on those convicted after a trial than on those who copped pleas. Having nothing to lose, more defendants went to trial—15%, up from 6.5%—overwhelming the system despite massive appropriations for new courts. After two years the worst features of the law were repealed.²⁸ In a California county at about the same time, one judge placed what the public defender's office considered unreasonable

28 Malcolm M. Feeley, *Court Reform on Trial: Why Simple Solutions Fail* (New York: Basic Books, 1983), 118–128.

time limits on plea bargaining. In retaliation, the office took all felony cases to trial. Defendants won 12 out of 16 jury trials, although the defense attorneys would have accepted some sort of guilty plea in 9 out of 10 of those cases. The judge quietly abandoned his new rule.²⁹ A final example: a careful study of a natural or “quasi-experiment” in the banning of felony plea bargaining in El Paso, Texas, in 1975 resulting from a clash between the prosecutor and the judges. The ban caused a considerable increase in jury trials which was in turn largely responsible for a substantial (but gradual) decrease in dispositions. The conviction rate was generally unaffected, but there were indications that there was more screening-out of weak cases after the prosecutor put an end to explicit plea negotiations.³⁰

Here is a scenario—a legal impact statement on FIJA—consistent with common sense and extant empirical studies and omitting the qualifiers and “maybes” to make the main points. FIJA would increase the number of jury trials. Increasing the number of jury trials would increase the number of dispositions favorable to defendants, whether acquittals (as in “Vario County,” California) or dismissals (as in New York) or prosecution decisions not to proceed in weak cases (as in El Paso, Texas). And it would

29 Lief H. Carter, *The Limits of Order* (Lexington, Mass.: Lexington Books, 1974), 109-110.

30 Malcolm D. Holmes, Howard C. Daudistel and William A. Taggart, “Plea Bargaining Policy and State District Court Loads: An Interrupted Time Series Analysis,” 26 *Law & Society Review* (1992): 139-159. One wonders whether the generally unchanged conviction rate masks any ups and downs in convictions for various kinds of cases.

decrease the rate of dispositions—potentially a serious problem for prosecutors, since the Constitution guarantees to most criminal defendants the right to a speedy trial. It will not take the legal professionals of the courtroom work groups very long to calibrate a new equilibrium. They will sort out the many cases where appeals to conscience would be ludicrous from the few which would get a boost from FIJA. A prosecutor would rather drop the charges than lose a case. A judge or defense attorney would rather he dismiss that case too and save them all a lot of unnecessary trouble. The judge will dismiss the case.

If that is all FIJA accomplished it wouldn't matter much. FIJA activists appear to be largely unaware that some of the extralegal circumstances which are withheld from juries already routinely figure in the discretionary choices of police, prosecutors and judges—for example, the prior relationship between victim and criminal is an important influence on felony outcomes.³¹ But the influence of community values is mediated by system professionals, not by the jury whose distinctive contribution is supposedly its independent access to those very values, undistorted by the system-maintenance interests of the courtroom professionals.

But even a relatively small increase in trial rates would have a tremendous impact on most courts, as it did in New York. Some cases which would have been pled out in minutes will take days to try. Prosecutors and judges will make mistakes, some of them

31 Vera Institute of Justice, *Felony Arrests: Their Prosecution and Disposition in New York City's Courts* (rev. ed.; New York: Longman, 1981).

grounds for a mistrial or reversal on appeal. (Somebody has estimated that in the typical trial there is a technical violation of the rules of evidence every 30 seconds.) Trials will take longer because the range of relevant evidence is widened by FIJA. In fact, an inevitable by-product of FIJA would be the junking of most rules of evidence (which were mostly invented to empower judges to keep juries from doing what FIJA authorizes). For example, rape shield laws forbidding consideration of a rape victim's previous sexual history would presumably have to go.

FIJA would probably call a halt to the nefarious fad for mandatory minimum sentences for possessory crimes. In Michigan, for instance, the penalty for mere possession of over 650 grams of cocaine is the same as the penalty for first-degree murder: life imprisonment without possibility of parole. The U.S. Supreme Court has held—unbelievably—that this is not “cruel and unusual punishment.”³² But even in this period of renewed anti-drug hysteria, there will probably be several members of almost any jury who will nullify this barbaric law. Defendants charged with this offence have every incentive to exercise their right to trial by jury at which, under FIJA, it is also their right to argue that the law is immoral or unconstitutional, no matter what the Supreme Court says. Prosecutors will soon learn to charge lesser offences or none at all.

Is it even possible to have a criminal justice system in which trials—and jury trials—are the norm? The

32 Harmelin v. Michigan, 111 S.Ct. 2680 (1991); but the Michigan Supreme Court has since held that the punishment violates the state constitution, *People v. Bullock*, 485 N.W.2d 866 (Mich. 1992).

answer is yes. Such systems operated in pre-modern England and America. They were tolerably effective, so far as historians can tell, for two reasons. The first is that defendants had few rights. The second is that defendants had no lawyers. In England, accused felons had no right to counsel (those accused of misdemeanors had the right but rarely had lawyers). In England after the Civil War, American criminal defendants lacked even the right to testify, to say nothing of all the other rights bestowed on them in recent decades.³³ Trials were short and usually held in batches. Verdicts were usually rendered immediately (often juries didn't even retire to deliberate), and punishment swiftly followed—most felons were hanged within a day or two.

This regime, which may well have for some readers considerable appeal, is now legally impossible. In all but the most trivial criminal cases defendants now have the right to (retained) counsel, and indigent defendants—most of them—have the right, at the trial level and in some cases on appeal, to government-appointed counsel. And the right to counsel is the right that effectuates all the others. Of the 23 specific guarantees of the Bill of Rights, a majority—12—pertain to criminal justice. The decisional law based on these guarantees is vast and complex—which is more important, in terms of system impact, than whether this or that doctrine is pro- or anti-defendant. And under FIJA, any adverse ruling by the judge can always be

33 John H. Langbein, "The Criminal Trial Before the Lawyers," 45 *University of Chicago Law Review* (1978), 363; Lawrence M. Friedman, "Plea Bargaining in Historical Perspective," 13 *Law & Society Review* (1979), 247.

reargued to the jury—including those (such as motions to exclude illegally obtained evidence) which are rendered in the jury's absence. For the first time in history, juries will actually have access to nearly all the information that the judge and the lawyers do as well as the right to act on it as they see fit. It is already true that trials take place, when they do, especially in cases where the professionals cannot predict (or agree on) what the verdict will be. Under FIJA there will be more such cases, and therefore more trials. The more trials there are, the more acquittals there will be, if there are any cases at all (there must be some) in which the jury acquits where the defendant would formerly have taken a plea. And the more often defendants win at trial, the more often other defendants will go to trial. There is no telling how big the snowball will get or how far it will roll.

The business-as-usual of the legal system already strains the resources of a society which wasted its money-to-burn on wars, bailouts and previous bouts of throwing money at cops, courts and corrections. They just keep coming back for more, but there isn't much more. Possibly there are nations so rich, so homogeneous and so law-abiding—Sweden or Singapore, perhaps—that they could afford our sort of system. But we can't. Especially post-FIJA.

The difference that many more jury trials before fully informed juries would make is not that jurors understand the law better than judges and lawyers (that is ridiculous). Or that they are better triers of fact (there is probably not much difference). Or that they do, and others don't, consider motives and

circumstances and temper law with equity. The crucial difference is this: the courtroom regulars have vested interests in the system itself. No case matters in any way nearly as much as expediting all the cases. In the informal, the working system, “the network of interactions is largely defined by the perceived interests of the primary participants—judges and attorneys. The dominant interests are (1) systemic and individual efficiency in the use of time and (2) inter-party cooperation and accomodation.”³⁴ Even less than the defendants do the jurors have a stake in the ongoing system. Because being a juror means never having to say you’re sorry.

My best guess is that FIJA would break down the legal system unless the insiders adapted, as they surely would, by beating a strategic retreat from entire sectors of social life. Sex, drugs, guns—the best things in life are free! Or soon would be. And where society is morally polarized it will be legally paralysed. There will be no point prosecuting pro-life or pro-choice “criminals”: they will have to fight out their differences directly. The legislating of morality or ideology might not soon cease, but it might dwindle to a source of only symbolic satisfaction. That will be how anarchy returns, if it ever does. The state will not be overthrown—just ignored. Perhaps the criminal justice system will persist, shorn of state power, as a game—like chess, or Dungeons & Dragons. And the American Bar Association can merge with the Society for Creative Anachronism.

34 Raymond T. Nimmer, *The Nature of System Change: Reform Impact in the Criminal Courts* (Chicago: American Bar Foundation, 1978), 46.

Other

Technophilia, An Infantile Disorder

If patriotism is, as Samuel Johnson said, the last refuge of a scoundrel, scientism is by now the first. It's the only ideology which, restated in cyberbabble, projects the look-and-feel of futurity even as it conserves attitudes and values essential to keeping things just as they are. Keep on zapping!

The abstract affirmation of “change” is conservative, not progressive. It privileges all change, apparent or real, stylistic or substantive, reactionary or revolutionary. The more things change—the more things that change—the more they stay the same. Faster, faster, Speed Racer!—(but keep going in circles).

For much the same reason the privileging of progress is also conservative. Progress is the notion that change tends toward improvement and improvement tends to be irreversible. Local setbacks occur as change is stalled or misdirected (“the ether,” “phlogiston”) but

A rejoinder to <http://www.multistalkervictims.org/mcf/ham-bone/walter.html>

the secular tendency is forward (and secular). Nothing goes very wrong for very long, so there is never any compelling reason not to just keep doing what you're doing. It's gonna be all right. As some jurist once put it in another (but startlingly similar) context, the wheels of justice turn slowly, but they grind fine.

As his pseudonym suggests, Walter Alter is a self-sanctified high priest of progress (but does he know that in German, *alter* means "older"?). He disdains the past the better to perpetuate it. His writing only in small letters—how modernist!—was quite the rage when e.e. cummings pioneered it 80 years ago. Perhaps Alter's next advance will be to abandon punctuation only a few decades after James Joyce did. And well under 3000 years since the Romans did both. The pace of progress can be dizzying.

For Alter, the future is a program that Karl Marx and Jules Verne mapped out in a previous century. Evolution is unilinear, technologically driven and, for some strange reason, morally imperative. These notions were already old when Herbert Spencer and Karl Marx cobbled them together. Alter's positivism is no improvement on that of Comte, who gave the game away by founding a Positivist Church. And his mechanical materialism is actually a regression from Marxism to Stalinism. Like bad science fiction, but not as entertaining, Alterism is 19th century ideology declaimed in 21st century jargon. (One of the few facts about the future at once certain and reassuring is that it will not talk like Walter Alter any more than the present talks like Hugo Gernsback.) Alter hasn't written one word with which Newt Gingrich or Walt

Disney, defrosted, would disagree. The “think tank social engineers” are on his side; or rather, he’s on theirs. They don’t think the way he does—that barely qualifies as thinking at all—but they want us to think the way he does. The only reason he isn’t on their payroll is why pay him if he’s willing to do it for nothing?

“Info overload is relative to your skill level,” intones Alter. It’s certainly relative to his. He bounces from technology to anthropology to history and back again like the atoms of the Newtonian billiard-ball universe that scientists, unlike Alter, no longer believe in. The breadth of his ignorance amazes, a wondering world can only, with Groucho Marx, ask: “Is there anything else you know absolutely nothing about?” If syndicalism is (as one wag put it) fascism minus the excitement, Alterism is empiricism minus the evidence. He sports the toga of reason without stating any reason for doing so. He expects us to take his rejection of faith on faith. He fiercely affirms that facts are facts without mentioning any.

Alter is much too upset to be articulate, but at least he’s provided an enemies list—although, like Senator McCarthy, he would rather issue vague categorical denunciations than name names. High on the list are “primitivo-nostalgic” “anthro-romanticists” who are either also, or are giving aid and comfort to, “anti-authoritarians” of the “anarcho-left.” To the lay reader all these mysterious hyphenations are calculated to inspire a vague dread without communicating any information about whom they refer to except dupes of the think tank social engineers and enemies of civilization. But why should the think tank social

engineers want to destroy the civilization in which they flourish at the expense of most of the rest of us?

If by religion is meant reverence for something not understood, Alter is fervently religious. He mistakes science for codified knowledge (that was natural history, long since as defunct as phrenology). Science is a social practice with distinctive methods, not an accumulation of officially certified “facts.” There are no naked, extracontextual facts. Facts are always relative to a context. Scientific facts are relative to a theory or a paradigm (i.e., to a formalized context). Are electrons particles or waves? Neither and both, according to Niels Bohr—it depends on where you are looking from and why. Are the postulates and theorems of Euclidean geometry “true”? They correspond very well to much of the physical universe, but Einstein found that Riemann’s non-Euclidean geometry better described such crucial phenomena as gravitation and the deflection of light rays. Each geometry is internally consistent; each is inconsistent with the other. No conceivable fact or facts would resolve their discrepancy. As much as they would like to transcend the inconsistency, physicists have learned to live with the incommensurable theories of relativity and quantum physics because they both work (almost). Newtonian physics is still very serviceable inside the solar system, where there are still a few “facts” (like the precession of Mercury) not amenable to Einsteinian relativity, but the latter is definitely the theory of choice for application to the rest of the universe. To call the one true and the other false is like calling a Toyota true and a Model-T false.

Theories create facts—and theories destroy them. Science is simultaneously, and necessarily, progressive and regressive. Unlike Walter Alter, science privileges neither direction. There is no passive, preexisting, “organised, patterned, predicted and graspable” universe out there awaiting our Promethean touch. Insofar as the Universe is orderly—which, for all we know, may not be all that far—we make it so. Not only in the obvious sense that we form families and build cities, ordering our own life-ways, but merely by the patterning power of perception, by which we resolve a welter of sense-data into a “table” where there are “really” only a multitude of tiny particles and mostly empty space.

Alter rages against obnosis, his ill-formed neologism for ignoring the obvious. But ignoring the obvious is “obviously” the precondition for science. As S.F.C. Milsom put it, “things that are obvious cannot be slightly wrong: like the movement of the sun, they can only be fundamentally wrong.” Obviously the sun circles the earth. Obviously the earth is flat. Obviously the table before me is solid, not, as atomic-science mystics claim, almost entirely empty space. Obviously particles cannot also be waves. Obviously human society is impossible without a state. Obviously hunter-gatherers work harder than contemporary wage-laborers. Obviously the death penalty deters crime. But nothing is more obvious, if anything is, than that all these propositions are false. Which is to say, they cannot qualify as “facts” within any framework which even their own proponents acknowledge as their own. Indeed, all the advocates (of such of these opinions as still have any) stridently affirm, like

Alter, a positivist-empiricist framework in which their falsity is conspicuous.

So then—to get down to details—forward into the past. Alter rants against what he calls the “romanticist attachment to a ‘simpler,’ ‘purer’ existence in past times or among contemporary primitive or ‘Eastern’ societies.” Hold it right there. Nobody that I know of is conflating past or present primitive societies with “Eastern” societies (presumably the civilizations of China and India and their offshoots in Japan, Korea, Burma, Southeast Asia, Indonesia, etc.). These “Eastern” societies much more closely resemble the society—ours—which “anarcho-leftists” want to overthrow than they do any primitive society. Both feature the state, the market, class stratification and sacerdotally controlled religion, which are absent from all band (forager) societies and many tribal societies. If primitive and Eastern societies have common features of any importance to his argument (had he troubled to formulate one) Alter does not identify them.

For Alter it is a “crushing reality that the innate direction that any sentient culture will take to amplify its well-being will be to increase the application of tool-extensions.” Cultures are not “sentient”; that is to reify and mystify their nature. Nor do cultures necessarily have any “innate direction.” As an ex- (or crypto-) Marxist—he is a former (?) follower of Lyndon LaRouche in his Stalinist, “National Caucus of Labor Committees” phase—Alter has no excuse for not knowing this. Although Marx was most interested in a mode of production—capitalism—which, he argued, did have an innate direction, he also identified

an “Asiatic mode of production” which did not; Karl Wittfogel elaborated on the insight in his *Oriental Despotism*. Our seer prognosticates that “if that increase stops, the culture will die.” This we know to be false.

If Alter is correct, for a society to regress to a simpler technology is inevitably suicidal. Anthropologists know better. For Alter it’s an article of faith that agriculture is technologically superior to foraging. But the ancestors of the Plains Indians were sedentary or semisedentary agriculturists who abandoned that life-way because the arrival of the horse made possible (not necessary) the choice of a simpler hunting existence which they must have adjudged qualitatively superior. The Kpelle of Liberia refuse to switch from dry- to wet-cultivation of rice, their staple food, as economic development “experts” urge them to. The Kpelle are well aware that wet (irrigated) rice farming is much more productive than dry farming. But dry farming is conducted communally, with singing and feasting and drinking, in a way which wet farming cannot be—and it’s much easier work at a healthier, more comfortable “work station.” If their culture should “die” as a result of this eminently reasonable choice it will be murder, not suicide. If by progress Alter means exterminating people because we can and because they’re different, he can take his progress and shove it. He defames science by defending it.

Even the history of Western civilization (the only one our ethnocentric futurist takes seriously) contradicts Alter’s theory of technological will-to-power. For well over a thousand years, classical civilization

flourished without any significant “application of tool extension.” Even when Hellenistic or Roman science advanced, its technology usually did not. It created the steam engine, then forgot about the toy, as China (another counter-example to Alterism) invented gunpowder and used it to scare away demons—arguably its best use. Of course, ancient societies came to an end, but they all do: as Keynes put it, in the long run, we will all be dead.

And I have my suspicions about the phrase “tool extension.” Isn’t something to do with that advertised in the back of porn magazines?

Alter must be lying, not merely mistaken, when he reiterates the Hobbesian myth that “primitive life is short and brutal.” He cannot possibly even be aware of the existence of those he tags as anthro-romanticists without knowing that they have demonstrated otherwise to the satisfaction of their fellow scientists. The word “primitive” is for many purposes—including this one—too vague and overinclusive to be useful. It might refer to anything from the few surviving hunter-gathering societies to the ethnic minority peasantry of modernizing Third World states (like the Indians of Mexico or Peru). Life expectancy is a case in point. Alter wants his readers to suppose that longevity is a function of techno-social complexity. It isn’t, and it isn’t the opposite either. As Richard Borshay Lee ascertained, the Kung San (“Bushmen”) of Botswana have a population structure closer to that of the United States than to that of the typical Third World country with its peasant majority. Foragers’ lives are not all that short. Only recently have the

average lifespans in the privileged metropolis nations surpassed prehistoric rates.

As for whether the lives of primitives are “brutal,” as compared to those of, say, Detroiters, that is obviously a moralistic, not a scientific, judgment. If brutality refers to the quality of life, foragers, as Marshall Sahlins demonstrated in “The Original Affluent Society,” work much less and socialize and party much more than we moderns do. None of them take orders from an asshole boss or get up before noon or work a five-day week or—well, you get the idea.

Alter smugly observes that “damn few aboriginal societies are being created and lived in fully by those doing the praising [of them].” No shit. So what? These societies never were created; they evolved. The same industrial and capitalist forces which are extinguishing existing aboriginal societies place powerful obstacles to forming new ones. What we deplore is precisely what we have lost, including the skills to recreate it. Alter is just cheerleading for the pigs. Like I said, they’d pay him (but probably not very well) if he weren’t doing it for free.

Admittedly an occasional anthropologist and an occasional “anarcho-leftist” has in some respects romanticized primitive life at one time or another, but on nothing like the scale on which Alter falsifies the ethnographic record. Richard Borshay Lee and Marshall Sahlins today represent the conventional wisdom as regards hunter-gatherer societies. They don’t romanticize anything. They don’t have to. A romanticist would claim that the primitive society he or she studies is virtually free of conflict and violence, as did

Elizabeth Marshall Thomas in her book on the San/Bushmen, *The Harmless People*. Lee's later, more painstaking observations established per capita homicide rates for the San not much lower than those of the contemporary United States. Sahlins made clear that the tradeoff for the leisurely, well-fed hunting-gathering life was not accumulating any property which could not be conveniently carried away. Whether this is any great sacrifice is a value judgment, not a scientific finding—a distinction to which Alter is as oblivious as any medieval monk.

About the only specific reference Alter makes is to Margaret Mead, “a semi-literate sectarian specializing in ‘doping the samples’ when they didn’t fit into her pre-existent doctrine” (never specified). Mead was poorly trained prior to her first fieldwork in Samoa, but to call the author of a number of well-written best-sellers “semi-literate” falls well short of even semi-literate, it’s just plain stupid. I’d say Alter was a semi-literate sectarian doping the facts except that he’s really a semi-literate sectarian ignoring the facts.

Mead’s major conclusions were that the Samoans were sexually liberal and that they were, relative to interwar Americans, more cooperative than competitive. Mead—the bisexual protege of the lesbian Ruth Benedict—may well have projected her own sexual liberalism onto the natives. But modern ethnographies (such as Robert Suggs’ *Mangaia*) as well as historical sources from Captain Cook forwards confirm that most Pacific island societies really were closer to the easygoing hedonistic idyll Mead thought she saw in Samoa than to some Hobbesian horrorshow. Alter

rails against romanticism, subjectivity, mysticism—the usual suspects—but won't look the real, regularly replicated facts about primitive society in the face. He's in denial.

If Mead's findings as to sexuality and maturation have been revised by subsequent fieldwork, her characterization of competition and cooperation in the societies she studied has not. By any standard, our modern (state-) capitalist society is what statisticians call an outlier—a sport, a freak, a monster—at an extraordinary distance from most observations, the sort that pushes variance and variation far apart. There is no “double standard employing an extreme criticism against all bourgeoisie [sic], capitalist, spectacular, commodity factors”—the departure is only as extreme as the departure from community as it's been experienced by most hominid societies for the last several million years. It's as if Alter denounced a yardstick as prejudiced because it establishes that objects of three feet or more are longer than all those that are not. If this is science, give me mysticism or give me death.

Alter insinuates, without demonstrating, that Mead faked evidence. Even if she did, we know that many illustrious scientists, among them Galileo and Gregor Mendel, faked or fudged reports of their experiments to substantiate conclusions now universally accepted. Mendel, to make matters worse, was a Catholic monk, a “mystic” according to Alter's demonology, and yet he founded the science of genetics. Alter, far from founding any science, gives no indication of even beginning to understand any of them.

The merits and demerits of Margaret Mead's ethnography are less than peripheral to Alter's polemic. It wasn't Mead who discovered and reported that hunter-gatherers work a lot less than we do. There is something very off about a control freak who insists that ideas he cannot accept or understand are Fascist. I cannot denounce this kind of jerkoff opportunism too strongly. "Fascist" is not, as Alter supposes, an all-purpose epithet synonymous with "me no like." I once wrote an essay, "Feminism as Fascism," which occasioned a great deal of indignation, although it has held up only too well. But I didn't mind that because I'd been careful and specific about identifying the precise parallels between Fascism and so-called (radical) feminism—about half a dozen. That's half a dozen more analogies between feminism and Fascism than Alter identifies between Fascism and anarcho-leftism or primito-nostalgia. The only anarcho-leftists with any demonstrable affinities to Fascism (to which, in Italy, they provided many recruits) are the Syndicalists, a dwindling sect, the last anarchists to share Alter's retrograde scientism. It's Alter, not his enemies, who calls for "a guiding, cohesive body of knowledge and experience as a frame of reference"—just one frame of reference, mind you—for "diagrams and manuals," for marching orders. There happen to be real-life Fascists in this imperfect world of ours. By trivializing the word, Alter (who is far from alone in this), purporting to oppose Fascists, in fact equips them with a cloaking device.

Artists, wails Walter, "don't believe that technology is a good thing, intrinsically." I don't much care what

artists believe, especially if Alter is typical of them, but their reported opinion does them credit. I'd have thought it obnoxious, ignoring the obvious, to believe in technology "intrinsically," not as the means to an end or ends it's marketed as, but as some sort of be-all and end-all of no use to anybody. Art-for-art's-sake is a debatable credo but at least it furnishes art which for some pleases by its beauty. Technology for its own sake makes no sense at all, no more than Dr. Frankenstein's monster. If tech-for-tech's sake isn't the antithesis of reason, I don't know reason from squat and I'd rather not.

The communist-anarchist hunter-gatherers (for that is what, to be precise, they are), past and present, are important. Not (necessarily) for their successful habitat-specific adaptations since these are, by definition, not generalizable. But because they demonstrate that life once was, that life can be, radically different. The point is not to recreate that way of life (although there may be some occasions to do that) but to appreciate that, if a life-way so utterly contradictory to ours is feasible, which indeed has a million-year track record, then maybe other life-ways contradictory to ours are feasible.

For a 21st century schizoid man of wealth and taste, Alter has an awfully retarded vocabulary. He assumes that babytalk babblewords like "good" and "evil" mean something more than "me like" and "me no like," but if they do mean anything more to him he hasn't distributed the surplus to the rest of us. He accuses his chosen enemies of "infantilism and anti-parental vengeance," echoing the

authoritarianism of Lenin (*"Left-Wing" Communism, An Infantile Disorder*) and Freud, respectively. A typical futurist—and the original Futurists did embrace Fascism—he's about a century behind Heisenberg and Nietzsche and the rest of us. Moralism is retrograde. You want something? Don't tell me you're "right" and I'm "wrong," I don't care what God or Santa Claus likes, never mind if I've been naughty or nice. Just tell me what you want that I have and why I should give it to you. I can't guarantee we'll come to terms, but articulation succeeded by negotiation is the only possible way to settle a dispute without coercion. As Proudhon put it, "I want no laws, but I am ready to bargain."

Alter clings to objective "physical reality"—matter in motion—with the same faith a child clutches his mother's hand. And faith, for Alter and children of all ages, is always shadowed by fear. Alter is (to quote Clifford Geertz) "afraid reality is going to go away unless we believe very hard in it." He'll never experience an Oedipal crisis because he'll never grow up that much. A wind-up world is the only kind he can understand. He thinks the solar system actually is an orrery. He has no tolerance for ambiguity, relativity, indeterminacy—no tolerance, in fact, for tolerance.

Alter seems to have learned nothing of science except some badly bumbled-up jargon. In denouncing "bad scientific method" and "intuition" in almost the same bad breath, he advertises his ignorance of the pluralism of scientific method. Even so resolute a positivist as Karl Popper distinguished the "context of justification," which he thought entailed compliance

with a rather rigid demonstrative orthodoxy, from the “context of discovery” where, as Paul Feyerabend gleefully observed, “anything goes.” Alter reveals how utterly out of it he is by a casual reference to “true methods of discovery.” There are no true methods of discovery, only useful ones. In principle, reading the Bible or dropping acid is as legitimate a practice in the context of discovery as is keeping up with the technical journals. Whether Archimedes actually gleaned inspiration from hopping in the tub or Newton from watching an apple fall is not important. What’s important is that these — any — triggers to creativity are possible and, if effective, desirable.

Intuition is important, not as an occult authoritative faculty, but as a source of hypotheses in all fields. And also of insights not yet, if ever, formalizable, but nonetheless meaningful and heuristic in the hermeneutic disciplines which rightfully refuse to concede that if they are not susceptible to quantification they are mystical. Many disciplines since admitted to the pantheon of science (such as biology, geology and economics) would have been aborted by this anachronistic dogma. “Consider the source” is what Alter calls “bad scientific method.” We hear much (too much) of the conflict between evolutionism and creationism. It takes only a nodding acquaintance with Western intellectual history to recognize that the theory of evolution is a secularization of the eschatology which distinguishes Christianity from other religious traditions. But having Christianity as its context of discovery is a very unscientific reason to reject evolution. Or, for that matter, to accept it.

Alter is not what he pretends to be, a paladin of reason assailing the irrationalist hordes. The only thing those on his enemies list have in common is that they're on it. Ayn Rand, whose hysterical espousal of "reason" was Alterism without the pop science jargon, had a list of irrationalists including homosexuals, liberals, Christians, anti-Zionists, Marxists, abstract expressionists, hippies, technophobes, racists, and smokers of pot (but not tobacco). Alter's list (surely incomplete) includes sado-masochists, New Agers, anthropologists, schizophrenics, anti-authoritarians, Christian Fundamentalists, think tank social engineers, Fascists, pro-to-Cubists ... Round up the unusual suspects. Alter's just playing a naming-and-blaming game because he doesn't get enough tool extensions.

"How many times a day do you really strike forward on important matters intuitively?" Well said—and as good a point as any to give this guy the hook. Riddle me this, Mr. or Ms. Reader: How many times a day do you really strike forward on important matters AT ALL? How many times a day do you "strike forward on important matters"—intuitively, ironically, intellectually, impulsively, impassively, or any damn way? Or do you find as day follows day that day follows day, and that's about it? That the only "important matters" that affect you, if there even are any, are decided, if they even are, by somebody else? Have you noticed your lack of power to chart your own destiny? That your access to "virtual" reality increases in proportion as you distance yourself (a prudent move) from the real thing? That aside from working and paying, you are of absolutely no use to this society

and can't expect to be kept around after you can't do either? And finally, does Walter Alter's technophiliac techno-capitalist caterwauling in any way help you to interpret the future, much less—and much more important—to change it?

Stephen Hawking

His Wares

Stephen Hawking is perhaps the most celebrated living scientist (if you call his life living). His work on black holes, his startling theory of time, and his effort to synthesize quantum physics and relativity theory (although a failure) have gotten him recognized as the new Einstein. His cameo role in a Star Trek episode sitting around a table with the greatest scientists in history, such as Einstein and Newton, suggests that he is not too modest to be ranked with the Olympians. It adds to Hawking's reputation (as he admits) that he is severely disabled by Lou Gehrig's Disease, so that he cannot move around without an electric wheelchair or speak without a computer program. He can hardly be blamed for being pro-tech. In some quarters, praise for his best-known book is almost as lavish as praise for mine.¹ It's impossible not to admire and respect

1 *Booklist* (published by the American Library Association) wrote that Hawking "turns out to be as skilled a popular writer as he is a mathematician. . . . The result is probably the best single book [*A Short History of Time*] on astrophysics for the general reader." *Booklist* on my book *The Abolition of Work and Other*

what he has accomplished despite these limitations, or even if he weren't subject to these limitations.

Nonetheless, neither Hawking's scientific genius nor the sympathy he evokes confers or confirms his authority to pontificate about politics, history, society, or even science and technology as social phenomena. But that's what he does in a 1989 speech updated and reprinted in his 1993 essay collection *Black Holes and Baby Universes and Other Essays*.² It is entitled "Public Attitudes Toward Science." Hawking has noticed that these attitudes are usually ill-informed and sometimes hostile. Naturally that troubles him. I wouldn't dare contest any strictly scientific opinion Hawking expresses. But when he strays from cosmology, the only thing he really knows well, to the social, his opinions are as bogus and banal as those of the journalists. They are, in fact, the same opinions.

The world has changed a lot in one hundred years, Hawking remarks, and will change even more in the next century:

But as history shows, the past was not that wonderful. It was not so bad for a privileged minority, though even they had to do without modern medicine, and childbirth was highly risky for women.

Here is an entirely ahistorical reliance on history. The only thing we can be sure of here is that Hawking

Essays: "Bob Black is an anarchist satirist, a corrosive and subversive as the breed gets. . . . Provocative, visionary humor of Twainian, Biercian ferocity and wit."

2 New York: Bantam Books, 1993.

must be referring to civilization, to state society, which introduced privilege after a million years or more of anarchist equality. His attitude toward, and his ignorance of the pre-scientific epoch of freedom may be inferred from his reference, in another essay, to “the achievement of the human race in developing from primitive savages only fifteen thousand years ago to our present state.”³ State is quite the right word here. Hawking knows nothing of real societies, past or even (as shall be shown) in their “present state.” One gets

3 “A Brief History of A Brief History,” *ibid.*, 35. Still another reference to our “progress[ing] from cave dwellers”—caves were not typical of prehistoric shelter—suggests that Hawking learned his archaeology from cartoons. “Is Everything Determined?,” *ibid.*, 132. Further confirmation: intelligence must have been selected for back then, he supposes, “on the basis of our ability to kill certain animals for food and to avoid being killed by other animals.” *Ibid.* For prehistoric as for nearly all modern hunter-gatherers, the gathering of plant foods (plus hunting small animals and sometimes scavenging) has been a much larger source of sustenance than big-game hunting. And death from predators has been a minor source of mortality even long before the 15,000 year threshold (an arbitrary figure) mentioned by Hawking.

As another pop science writer observes, “the Cro-Magnon people who painted the caves at Lascaux and Altamira fifteen thousand years ago are us—and one look at the incredible richness and beauty of this work convinces us, in the most immediate and visceral way, that Picasso had no edge in mental sophistication over these ancestors with identical brains,” although “no human social grouping had produced anything that would conform with our standard definition of civilization.” Stephen Jay Gould, *Full House: The Spread of Excellence from Plato to Darwin* (New York: Harmony Books, 1996), 220. Replace “Picasso” with “Andy Warhol” and our progress up from these cave-dwelling savages is even more conspicuous.

the impression that everything prior to the Industrial Revolution is just a big bad blur to the sage.

“But for the vast majority of the population, life was nasty, brutish and short.”

When, please? Where, please? Facts, please? Is Hawking referring to pre-industrial England, or the Roman Empire, or the Neolithic, or what? He could probably not answer these questions. He is just regurgitating a cliché, one which is now “a subject for textbook burlesque” (Marshall Sahlins),⁴ innocently unaware that the purpose of the phrase—when Hobbes coined it and every time it is repeated—is to advance an authoritarian political program. If Hawking is referring to primitive societies such as foragers and horticulturalists, for anthropologists the Hobbes cliché is, as Sahlins says, a joke. If he is referring to later state societies he is right, but these were the societies that laid the foundations of science and mathematics, on the backs of slaves and peasants:

Anyway, even if one wanted to, one couldn't put the clock back to an earlier age. Knowledge and techniques can't be just forgotten. No one can prevent further advances in the future. Even if all government money for research were cut off (and the present government [Thatcher in Britain] is doing its best), the force of competition would still bring about advances in technology.

4 Marshall Sahlins, *Tribesmen* (Englewood Cliffs, NJ: Prentice-Hall, 1968), 7.

In the first place: knowledge and techniques can be forgotten, under a radically simplified political and social order. This has always happened after complex societies collapse, as they all have, so far—except, for the time being, this one. Europe forgot most ancient science, rudimentary as it was, for a millennium. The Mayans that the Spanish conquered in the 16th century had no idea how their ancestors erected pyramids and monumental buildings. If we run out of gas to power our motor vehicles, we will soon forget the knowledge of auto mechanics and the wisdom of used-car salesmen.

I would dearly like to see tested Hawking's theory that, even if deprived of government funding, scientific research would "still bring about advances in technology." It would be furthered (he supposes) by "competition," a naïve euphemism for large-scale corporations which are not interested, as Hawking is, in the origin of the universe, because there is no profit in discovering its origin, only in selling it off, piece by piece. Replying to a naïve answer with a naïve question: Why don't the scientists pay for their own research? Most of us usually have to pay for what we want. Well, you see, science requires such tremendous sums that it just has to be paid for with other people's money. Which is why Hawking is so concerned about "public attitudes."

If we accept [maybe "we" don't] that we cannot prevent science and technology from changing our world, we can at least try to ensure that the changes they make are in the right directions. In a democratic society, this

means that the public needs to have a basic understanding of science, so that it can make informed decisions and not leave them in the hands of experts.

First Hawking tells us that we cannot prevent science and technology from changing our world. But then he invokes, but only talismatically, “a democratic society.” In a genuinely democratic society, the majority can “prevent science and technology from changing our world” if it so chooses—right? Or else how can you call it a democracy? A majority could in theory decline specific scientific/technological advances or for that matter all of them. If it can’t, then it isn’t a democracy, it’s a technocracy. A majority might, at least, require a pause, a moratorium, in order to assimilate those changes already forced upon it and reflect upon what to accept next, and when, if ever.

Civilizations have at times consciously rejected technology, as when “imperial China decided to scrap the technology of interoceanic shipping and navigation that, if pursued, might have converted the central historical theme of European westward expansion to an alternative tale of Oriental eastward expansion in the New World.”⁵ But Imperial China, like Tokugawa Japan, could make decisions to constrain technology only because it was not a democracy.

“The public” in a democracy has never made an important decision about the direction of science or technology. Nuclear power was created by the U.S. Government in secret. The Internet was also created by the Pentagon. The government nationalized the

5 Gould, *Full House*, 222–223.

airwaves, then divided them up among broadcasters as in effect their private property. Decisions about the roles of railroads, airplanes, trucks and cars in the transportation system were made over decades by large corporations in connivance with independent regulatory agencies (independent of popular control, not independent of the corporations they regulate). Electrification was a matter for power companies and governments. None of these profoundly important decisions was made by referendum or by elected officials after public debate.

With, it may be, some understatement, Hawking characterizes the public attitude toward science as “ambivalent,” it distrusts science because it doesn’t understand it. This distrust is evident in the cartoon figure of the mad scientist working in his laboratory to produce a Frankenstein. It is also an important element behind support for the Green parties.

It does not even cross Hawking’s brilliant mind that the mad scientist image persists because science has produced many Frankensteins already,⁶ and his far more numerous colleagues in applied mad science are hard at work creating more Frankensteins via genetic engineering, Artificial Intelligence, etc. They, not he, engage in mainstream scientific research. They work for corporations or the state, not for a university. As for the Greens, it is fair to say that their understanding of science is on average higher than that of the general public, which explains their higher level of distrust.

6 Actually, in the original novel by anarchist Mary Shelley and even in the movie versions, Frankenstein was the scientist, not the monster. Even Hawking unconsciously acknowledges that the scientist, not the artificial man, was the real monster.

But the public also has a great interest in science, particularly astronomy, as is shown by the large audiences for television series such as *Cosmos* and science fiction [is there that much difference?].

The public has a great interest in science as it has in baseball, as a spectacle and a spectator sport. Learning science on TV from Carl Sagan—or Stephen Hawking, who got into the business too—is even less likely than learning baseball on TV from the New York Yankees. Hawking later complains that while some science shows on TV are good, some “present scientific wonders simply as magic.” I am sure that tests administered afterwards to those who have watched every episode of *Cosmos* or a season of *Star Trek* would reveal no increase in scientific knowledge—but perhaps a decreased distrust of science and a corresponding willingness to be taxed for its support.

What can be done to harness this interest and give the public the scientific background it needs to make informed decisions on subjects like acid rain, the greenhouse effect, nuclear weapons, and genetic engineering? Clearly, the basis must lie [good word, that] in what is taught in schools. But in schools science is often presented in a dry and uninteresting manner.

To “harness” public interest does not sound very democratic. It seems always to have been true that science was taught in a dry and uninteresting manner. This may have something to do with the kind

of people who become science teachers (including failed scientists, as Hawking elsewhere observes with respect to philosophers of science⁷). It surely has a lot to do with the fact that science is apparently the only area of human endeavor in which “progress,” cumulating knowledge and theoretical improvement, actually takes place. Thus its theories grow more complex and its findings more numerous (and unbelievable, as with Hawking’s weird astrophysics). Some of what counts as a basic knowledge of science today would have challenged the best scientists a century ago. But people are no smarter now than they were then.

Moreover, science is often taught in terms of equations. Although equations are a concise and accurate way of describing mathematical ideas, they frighten most people. . . . But for the rest of us [who are not scientists and engineers], a qualitative grasp of scientific concepts is sufficient, and this can be conveyed by words and diagrams, without the use of equations.

Science is not a pile of facts about the natural world. As Hawking elsewhere insists, facts exist only relative to theories.⁸ The two words that distinctively identify science as an activity are method and mathematics. Hawking never mentions the scientific method (or rather, methods). The scientific method is all that distinguishes “scientific wonders” from other wonders such as stage magic or Hollywood special effects. That is why TV mini-series and science fiction shows

7 Hawking, “My Position,” *Black Holes*, 41–42

8 Hawking, “My Position,” *Black Holes*, 43–44

are worthless as science education. They make science look more like magic. Besides—thanks as much to Hawking as to anyone—science, which now theorizes about “imaginary time” and objects which have “all possible histories,” has never looked so much like magic since the days when magic and science were considered the same subject.

The rise of modern science is virtually coextensive with the mathematization of science. This became obvious earliest in physics and astronomy, Hawking’s fields. Newton’s simple equations swept over the intellectual world like a storm—yet, 300 years later, equations still “frighten most people.” If equations frighten most people, then science frightens most people. Words and diagrams alone cannot convey much science, especially since diagrams, and charts, and graphs, also frighten many people. Nowadays people are easily frightened. That way they are easier to control.

What are the science-related issues that the public will have to make decisions on in the near future? By far the most urgent is that of nuclear weapons. Other global problems, such as food supply or the greenhouse effect, are relatively slow-acting, but a nuclear war could mean the end of all human life on earth within days.

Fifteen years later, the “food supply” problem is not “slow acting” in Africa, and the greenhouse effect seems to be kicking in ahead of schedule. Nuclear war remains an ominous threat, as nuclear weapons

proliferate, but probably not one that “could mean the end of all human life on earth within days.” Only a nuclear exchange between the United States and Russia could now have that effect, and while this might begin by error or mutiny, as Hawking worries, these powers remain on relatively good terms as their respective presidents, one of whom won a free election, reduce liberty in their respective states.

The major powers have behaved in a reasonably responsible way, but one cannot have such confidence in minor powers like Libya or Iraq, Pakistan, or even Azerbaijan.

Even when compiled in 1989, this was a strangely selective list. Hawking does not explain why major nuclear powers merit more confidence than minor nuclear powers. One of the major powers, the United States, did after all use nuclear weapons twice. No other power, major or minor, has ever been so irresponsible. The United States has always refused to take the “no first strike” pledge, i.e., it reserves the right to start another nuclear war. That does not inspire much confidence.

Curiously, the “minor powers” which make Hawking nervous are all Muslim countries only one of which, Pakistan—ally of America and Britain—has the Bomb. Hawking does not mention India, which has many more A-bombs than its enemy Pakistan, and developed them first. Above all, while fretting about poor little Azerbaijan, he neglects to mention the biggest “minor” nuclear power of them all, Israel, which has hundreds of A-bombs and no

scruples about using them. Is a scientifically well-educated public a Zionist public?

If we manage to avoid a nuclear war, there are still other dangers that could destroy us all. There's a sick joke that the reason we have not been contacted by an alien civilization is that civilizations tend to destroy themselves when they reach our stage. But I have sufficient faith in the good sense of the public to believe that we might prove this wrong.

A sick joke, but one taken seriously even by Stephen Jay Gould, who is at least Hawking's peer in popularizing science.⁹ Always end a speech on a rousing, upbeat note, even if it contradicts everything that went before. The applause at the end is the only applause that matters. God Save the Queen! God Bless America! Progress is our most important product!

Stephen Hawking is a brilliant scientist, but it is not unusual for brilliant scientists to say stupid things outside their area of expertise. Albert Einstein made some naïve political judgments, but at least he was a socialist of sorts, and he had sense enough to decline the offer to be President of Israel (Hawking sounds more suitable). Edward Teller—admittedly not in the same league as Einstein and Hawking—was such a sicko that he gloried in the title of Father of the H-Bomb, and itched to see it dropped on the Soviets. Now there was a mad scientist if ever there was one.

Hawking does not believe in “the ether,” phlogiston, the steady-state theory of the universe, and

9 Gould, *Full House*, 223.

many other scientific ideas and theories once widely accepted—indeed, scientists already regard many of the cherished theories of 20th century science to be “ridiculous nonsense.”¹⁰ Thomas Kuhn, the greatest modern historian-philosopher of science, acknowledged (in 1992) the sober truth that “all past beliefs about nature have turned out to be false.”¹¹ Hawking surely knows this as well as anyone, since he has himself debunked some of those beliefs, such as the steady-state theory of the origin of the universe.

Yet Hawking speaks of “the public” as if this were something as real as a quark or a black hole. He assumes that it is the public which will make decisions about acid rain, the greenhouse effect, nuclear weapons, and genetic engineering. He also refers to a “democratic society” as if its existence were self-evident.

“The public” is a phrase which, like the ether, does not refer to anything real. Some category like “a population” refers to something real, if you define its parameters, but a population does not decide anything, it has no corporate existence, it is just a category. Is “the public” perhaps the electorate? Why didn’t Hawking say so? The electorate is a lot smaller than the population. It consists of certain adult citizens who are allowed to vote, although half or more

10 E.N. Anderson, “New Textbooks Show Ecological Anthropology Is Flourishing,” *Reviews in Anthropology* 31(3) (July–Sept. 2003), 238 (examples: tabula rasa behaviorism, nondrifting continents, and table climax ecosystems).

11 Thomas S. Kuhn, *The Trouble with the Historical Philosophy of Science* (Cambridge: Harvard University Department of the History of Science, 1992), 14.

of them do not, at least in the United States. It would be entertaining, if unnerving, to survey the scientific knowledge of voters. It is not clear why this minority of a minority should have the power to decide on, for everybody, the great issues Hawking identifies.

There is the further complication that decisions made where wealth and power are concentrated, such as in the industrialized countries, and especially the United States, may have far-reaching, even devastating effects on the Third World and other parts of the world whose people are not part of “the public” although they vastly outnumber it. But in any case “the public,” however defined, does not make political decisions, least of all about science.

The informed public, that is, the public that Hawking seeks to inform, does not decide policy issues. The public, or part of it, informed or uninformed, elects some public officials. That’s something else entirely. No candidate is ever elected to any office because of his demonstrated grasp of the scientific dimensions of issues. Even if he had that grasp—he almost never does—he couldn’t demonstrate it to his scientifically illiterate constituents. If he tried, he would scare them off, for the same reason Hawking acknowledges that equations scare them off.

Hawking is oblivious to the issues and media manipulations that actually determine how people vote. In his rationalist innocence he supposes that ignorance is the only reason why men of good will might disagree about anything important. Ignorance is not the only reason, and not all men are men of good will. Hawking seems to be entirely unaware even of

differences of interest which might rationally influence voting—differences between the owners of the means of production and wage-workers, between rich and poor, between whites and nonwhites, or even between men and women. He believes in the public interest, an abstract illusion, but not in private interests, which are concrete and effective (the interests which are public and private, such as the state bureaucracy and the military-industrial complex, being the most effective of all). “The public” is not an undifferentiated, amalgamated mass such as densely packed matter was when it exploded in the “big bang” that created the universe in less than a second, according to Hawking—unless next week’s *Newsweek* cover story thunders forth an even more astounding story.

“The public” is not something about which it is possible to say anything meaningful. But it’s quite possible to say something meaningful about Hawking’s self-serving, lightheaded euphoria about progress, science and technology (which he never distinguishes). Even Jules Verne, 150 years ago, had a more complex and critical attitude toward future scientific and technological progress than Hawking does now.¹² The reason “the public” does not understand science is that science is an ever more specialized activity which can only accelerate in an ever more specialized society such that even its specialists are increasingly unable to understand each other. Today it takes specialists in communication to communicate to special-

12 Jules Verne, *Paris in the Twentieth Century* (New York: Random House, 1966)—depicting the world of 1960 dominated by capital, industry and technology. The French publisher to which it was submitted rejected the book as unbelievable.

ists such as businessmen, scientists, lawyers, and generals the minimal expertise they require to continue to collaborate. Soon specialists in communication will require meta-specialists in communication for them to even understand each other.

But organization theory has established the obvious, that the higher information ascends in a hierarchy, the more of it is lost. Indeed, the more information there is that's transmitted, vertically or even horizontally, the more of it is lost. The more that's learned, the more that is lost or forgotten (or suppressed), although what was lost or forgotten might have been essential to make sense of what survived. Comprehensive understanding of science, an understanding contextualized and contextualizing, went out with Franklin or Goethe if not sooner. So, good shows on the Discovery Channel don't help at all.

The scientists have done their work too well. They know too much. Only dummies believe they can learn cosmology from *Cosmology for Dummies*. Even Hawking's mythical intelligent lay citizen has not in most cases even caught up with relativity (100 years old) or quantum mechanics (80 years old).¹³ There is no reason to suppose he ever will, and even if he does, the Hawkings will forever widen their lead with ever more complex, counterintuitive, paradoxical, and effectively incommunicable theories. Wrote Simone Weil in 1934—and it has only gotten worse!—“Science is a monopoly, not because public education is badly organized, but by its very nature;

13 Neither have the physicists, who “are still trying to explore their implications and to fit them together.” Hawking, “The Quantum Mechanics of Black Holes,” *Black Holes*, 101.

non-scientists have access only to the results, not to the methods, that is to say they can only believe, not assimilate.”

Democratic oversight of science and technology (one suspects that Hawking doesn't want it to be too rigorous) is already impossible, not only in the sense that “the public” is incapable of it, but also in the sense that no one is capable of it. “I am certain,” writes anarchist Alfredo Bonanno, “that not only is it no longer possible to control technological development because of the incredible speed at which it is developing new means and perfecting new instruments, but also that the rulers themselves [whose existence Hawking, who has met some of them, does not suspect] are no longer able to coordinate the same in a rationally planned project.”¹⁴ Frankenstein's monster is on the loose again, and not even Dr. Frankenstein knows where he is going or what he will do. He never does.

Science and democracy, then, are incompatible. But that is not the worst to be said about either of them.

14 Alfredo Bonanno, *Propulsive Utopia* (London: Green Anarchist Books, 1988), 24.

This text (since then, slightly revised) was intended to be delivered as a speech at Gilman Street in Berkeley, California, in late March 2005, but I was unable to get there.

Zerowork Revisited

This year marks the 20th anniversary of the first publication, in San Francisco, of “The Abolition of Work.” What a long wild ride it’s been! It’s been republished many times, usually without my knowledge, but always with my consent. It’s been translated into over a dozen languages.

I suspect that part of its success is that it was inadvertently well-timed. It appeared at a time when working hours were getting longer, work was being intensified, *and* unemployment was high. If you needed proof that our society is fundamentally irrational, there it was.

This is not the occasion for a formal, systematic, well-organized lecture such as I once delivered last year at the State University of New York at New Paltz. Instead I’ll draw on that one for my informal, unsystematic, disorganized and much briefer remarks tonight.

You have likely seen the comment by the English economist John Maynard Keynes that “in the long run, we will all be dead.” And he was as good as his word. But in 1931, amidst the Great Depression, he

did forecast the future of work in the long run. He believed that ever greater capital investment and technological progress would all but abolish work within a hundred years. There will be, he predicted, “an age of leisure and abundance.” The only problem would be finding enough work to satisfy the inherent human craving for work—from which you all suffer, no doubt.

Well, we are 82% of the way to almost work-free abundance. As you have, no doubt, noticed. There has been, if anything, even more capital investment and technological innovation than Keynes expected. Keynes thought that in a century we would be working 3 hours a day, so if we were on schedule, we should now be working less than a 4 hour day, which is what Kropotkin said we would work in the anarcho-communist utopia. But the only people working 4 hours a day—or who were, until recently—are anarchist hunter-gatherers like the San (Bushmen) who are entirely spared the labor-saving benefits of capital investment and high technology.

One lesson I take from this is that experts should always be viewed with suspicion, and experts on work should be presumed to be wrong unless proved to be right. As Ivan Illich put it, “Economists know about as much about work as alchemists do about gold.” I have some more examples.

In “The Abolition of Work,” I wrote that every year 14,000 to 25,000 workers die while working. I can’t remember where I got that. But when I went to update the estimate last year, I found estimates ranging from 1,000 to 90,000. The U.S. Department of Labor

estimate for job-related deaths in the years 1993 to 1996 was over 10,000 annually.

What these vastly disparate estimates do tell us is that nobody is bothering to compile these statistics accurately. The government can tell us with fair accuracy how many tons of soybeans were produced last year. But it can't tell us, apparently nobody can tell us, how many people died in order to produce and market soybeans, automobiles, cell phones or anything else.

Government and business have reasons to want to know production statistics. But government and business, I suggest, have reasons why they would rather not know, or at least that they would rather the public didn't know, the death-toll from work. People might wonder if work is worth the cost in deaths, injuries and illnesses.

Another point, which I made 20 years ago, is that the death toll *from* work must be much higher than the death toll *at* work. I've read that many coroners don't recognize any homicides or car crash deaths as work-related, although we've all read news stories about workers who kill their bosses, their fellow workers and/or themselves. And surely any death while commuting is a death because of work.

Here's a truly shameless fraud. Since about 1948, the hours of work have increased. But in the same period, productivity has more than doubled. Lord Keynes of course predicted exactly the opposite. From 1969 to 1989, the average annual working hours of fulltime workers rose by 158 hours, which is

an astonishing one month a year of extra work. In the following 20 years, it has gotten even worse.

The 1999 annual report on the American workforce by the U.S. Department of Labor is very smug about the coexistence of low unemployment and low inflation. But the government was nervous about claims that Americans are overworked. For instance, in a book by Julia Schor, *The Overworked American*. I often cite this book myself. The Department of Labor blandly asserted that hours of work have been in general stable since 1960.

This conclusion is based on three glaring methodological flaws.

#1: The data on working hours are based on reports from employers, not by workers. Employers have many reasons to understate working hours, for example, to conceal illegal overtime, or their employment of illegal aliens. I also suspect that many businesses, especially small businesses, don't report in at all, and the ones that don't are probably the ones with the longest working hours, the sweatshops.

Although it would involve a little more trouble and expense, there's no reason why the government, which has the identity of workers through Social Security, can't survey a sample of them and compare their reports to their employers' reports. That would probably show that the employer statistics are worthless.

#2: If a worker has more than one job—get this—only the hours worked on the main job are counted! The most overworked workers of all are the ones with two or more jobs, obviously. And there's

been a vast increase in workers like this. It's one of the major developments since I first wrote on this topic. But the working hours of these overworkers aren't counted properly.

#3: If you thought that those were crass deceptions, I've saved the worst for last. One of the major trends in work is longer hours for fulltime workers. Another is a spectacular increase in part-time work, mainly among people who can't find fulltime work. These are completely different categories of workers. So what does the government do? It adds together the workers doing too much work with the workers not doing enough work, splits the difference, and announces that workers are working, on average, the usual hours, and in some cases even less. For the state, two wrongs *do* make a right, or they make everything all right.

In concluding, or anyway ending this talk, I'd like to draw your attention to an aspect of "The Abolition of Work" which nobody seems to have noticed. It is not an explicitly anarchist essay. In fact, I mentioned anarchism only once, and not favorably. I wrote that "all of the old ideologies are conservative because they believe in work. Some of them, like Marxism and most brands of anarchism, believe in work all the more fiercely because they believe in so little else."

When I mentioned authors whom I considered relevant I did include anarchists such as Kropotkin, Paul Goodman and even Murray Bookchin. But I didn't identify them as anarchists. I was pretty mad at anarchists in 1985. Chris Carlsson and his fellow Marxist thugs at *Processed World* had just run me out

of town. Most local anarchists, except for Lawrence Jarach and Brian Kane, played footsie with *Processed World* or else looked the other way. Some of them are still looking the other way. It was years before I would again identify myself as an anarchist.

And yet, “The Abolition of Work” is an anarchist essay. Most anarchists understand that the state didn’t come out of nowhere. The state is connected to particular forms of society. So is anarchy. Most anarchists understand that you can’t abolish the state without abolishing capitalism. That’s true, but I took the argument further. I say that you can’t abolish the state without abolishing work.

I wasn’t the first anarchist to identify the abolition of work as an anarchist issue. John Zerzan’s writings in the 1970s about the revolt against work influenced me and they at least imply the abolition of work. Although John wasn’t calling himself an anarchist then. What I think I did do was define work as a basic anarchist issue. I forced even the pro-work anarchists like anarcho-syndicalists and Platformists to defend work instead of just taking it for granted. They ridicule the zero-work idea instead of trying to refute it, so, the idea goes unrefuted. Naturally that means that more people will agree with it. The number of intellectually serious critiques I’ve received in the last 25 years is shockingly small. And I don’t think any of them came from an anarchist.

I like to think that, after my essay, anarchist thought is not quite the same and never will be quite the same. Anyway, that anti-copyrighted essay, and this one, is my gift to all of you.

Suggested Readings

Beecher, Jonathan, & Richard Bienvenu, eds. *The Utopian Vision of Charles Fourier*. Boston: Beacon Press, 1971. [Also: *Harmonian Man: Selected Writings of Charles Fourier*, ed. Mark Poster. New York: Anchor Books, 1971.]

The theory of “attractive labor” explained and illustrated. Utopian, fantastic, bizarre in details, but powerfully argued.

Black, Bob. *The Abolition of Work and Other Essays*. Port Townsend, WA: Loompanics Unlimited, n.d. [1986]

Black, Bob. *Friendly Fire*. Brooklyn, New York: Autonomedia, 1992.

Includes “Primitive Affluence: A Postscript to Sahlins,” on the ethnography and history of work, and “Smokestack Lightning,” a reply to a market libertarian critic.

Braverman, Harry. *Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century*. New York: Monthly Review Press, 1974.

Not really about “monopoly capital,” thank goodness, but about how management has fragmented and deskilled work the better to control the workers.

Cowan, Ruth Schwartz. *More Work for Mother*. New York: Basic Books, 1983.

How “labor-saving” household technology has increased the amount, reduced the satisfaction, and isolated the performance of housework by women.

Goodman, Paul, & Percival Goodman. *Communitas: Means of Livelihood and Ways of Life*. 2d ed. New York: Vintage Books, 1960.

Three urban paradigms based on different assumptions about how to live. Most interesting is the one based on abolishing the distinction between production and consumption.

Hunnicutt, Benjamin Kline. *Work Without End: Abandoning Shorter Hours for the Right to Work*. Philadelphia: Temple University Press, 1988.

History of the American shorter-hours movement, once a central labor demand, betrayed by the unions in the 1930s, resulting in longer hours and no right to work either!

Illich, Ivan. *Shadow Work*. Boston: Marion Boyars, 1981. [Also see his *Gender and Toward a History of Needs*.]

“Shadow work” is the vast amount of unpaid toil not counted in the Gross

Domestic Product—from housework to commuting—underpinning the wage-labor economy. Just because they don't pay you doesn't mean it isn't work.

Lafargue, Paul A. *The Right to Be Lazy*. Chicago: Charles H. Kerr, 1975. [And other editions.]

Karl Marx's son in law mocks the work ethic, although he falls short of questioning work itself.

Lee, Richard Borshay. *The !Kung San: Men, Women and Work in a Foraging Society*. Cambridge: Cambridge University Press, 1979.

The most detailed ethnography of a foraging society showing that hunter-gatherers do less work, and more varied, skilled and interesting work, than most people in more complex societies. Women work even less than men! Annihilates the Hobbesian myth.

Mann, Ernest. *I Was Robot (Utopia Now Possible)*. Little Falls, Minnesota: Little Free Press, 1990.

Unfortunately almost unobtainable, a collection of short essays which explain simply and without jargon how a free communist zero-work utopia is feasible.

Morton, A.L., ed. *Political Writings of William Morris*. New York: International Publishers, 1973.

Morris was a 19th century English artist, craftsman, and fantasy novelist who became a founder of English communism. He explores how work, transformed, can become part of the pleasure of life.

Richards, Vernon, ed. *Why Work?* London: Freedom Press, 1974.

A mostly rather bad anthology, but with a few worthwhile essays such as by Peter Kropotkin, Bertrand Russell, and Tony Gibson's classic "Who Will Do the Dirty Work?"

Sahlins, Marshall. *Stone Age Economics*. Chicago: University of Chicago Press, 1971.

"The Original Affluent Society" and other essays on primitive reciprocity, the domestic mode of production, etc.

Schor, Juliet B. *The Overworked American: The Unexpected Decline of Leisure*. New York: Basic Books, 1991.

Americans work *one month* more than they did in 1951, despite—actually, because of—vast capital investment and new technology. Denounced in the annual report of the U.S. Department of Labor! This is the future of "developing" nations.

Seidman, Michael. *Workers Against Work*. Berkeley: University of California Press, 1991.

A heretical history of the Barcelona working class which, during the Spanish Civil War, resisted the sacrificial workerism of their new bosses, the anarcho-syndicalist militants, as they had resisted the old capitalist bosses.

Vaneigem, Raoul. *The Revolution of Everyday Life*. Seattle: Left Bank Books & London: Rebel Press, 1983. [Also other editions.]

Situationist; see especially “The Decline and Fall of Work.”

Zerzan, John. *Elements of Refusal*. 2d, rev. ed. Columbia, Missouri: C.A.. Press/Paleo Editions, 1999.

Includes “Organized Labor v. ‘The Revolt Against Work,’” “Who Killed Ned Ludd?” “Anti-Work and the Struggle for Control,” etc.

Anarchism is an idea about what's the best way to live. Anarchy is the name for that way of living.

Anarchism is the idea that the state (government) is unnecessary and harmful. Anarchy is society without government. Anarchists are people who believe in anarchism and desire for us all to live in anarchy (as all our ancestors did for at least a million years).

People who believe in government (such as liberals, conservatives, socialists, and fascists) are known as "statists." Anarchists appreciate that statists don't believe all the same things. Some of their differences with each other are important. But the most important difference of all is between what they all believe in – the state – and what anarchists believe in – anarchy.



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